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PROPOSED

CHINATOWN ZONING

A PLAN
TO
MANAGE
GROWTH

CHINATOWN SOUTH COVE
NEIGHBORHOOD COUNCIL

CITY OF BOSTON
Raymond L. Flynn, Mayor

BOSTON REDEVELOPMENT AUTHORITY

Stephen Coyle, Director
Clarence J. Jones, Chairman
Michael F. Donlan, Co-Vice Chairman
Francis X. O'Brien, Co-Vice Chairman
James K. Flaherty, Treasurer
Consuelo Gonzales-Thornell, Member
Kane Simonian, Secretary

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Dear Fellow Citizen:

Boston's Chinatown community represents a unique and special part of our city's collection of culturally rich and ethnically diverse neighborhoods. For the Asian community in the greater Boston area, Chinatown serves as the principal center of economic, social and cultural activity. Located in the center of Boston, this century-old community also contributes much to the vibrancy and high quality of life enjoyed by Bostonians and visitors to our city alike.

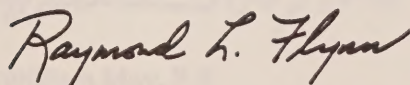
At the dawn of the new decade, Boston's Chinatown is a community at a crossroads. Chinatown is a community facing major challenges, challenges to its identity, its preservation, and its future. It is also a community of significant strength of character, with the will and potential to meet its challenges and to shape a future of its choice.

The master plan outlined herein represents a joint and unprecedented effort of the Chinatown community and the City of Boston to chart the direction of Chinatown's future. The two-and-one-half years of effort and commitment invested in the plan's formulation have served to clarify its fundamental goals: preserving and enhancing the long-term viability of Chinatown itself. The plan aims to achieve these goals by addressing the challenges of providing affordable housing and community services for a population that tripled between 1950 and 1987, of fostering neighborhood business and economic development, and of effectively managing issues such as traffic, land use and environmental protection.

As Chinatown pursues the implementation of this plan and related zoning initiatives, the advocacy and participation of community residents and leaders will continue to be vital ingredients. For its part, the City of Boston will continue to ensure that the economic benefits of downtown development, and the economic opportunities generated by that development, are equitably shared with the Chinatown community. Working together, we can achieve great things.

I wish to congratulate the Chinatown community on the historic development of this plan for the future. I look forward, in the years ahead, to working with all of you toward its successful implementation.

Sincerely,

A handwritten signature in cursive script that reads "Raymond L. Flynn".

Raymond L. Flynn

Mayor

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Dear Members and Friends of the Chinatown Community:

Two-and-a half years ago, the Chinatown-South Cove Neighborhood Council and the Boston Redevelopment Authority concluded that the planning principles affecting Chinatown must change. The needs of the community had to be the focus point.

Without careful planning and serious input from the Chinatown community, proposed development would severely affect its future. These projects include the new Central Artery - Third Harbor Tunnel and Massachusetts Turnpike projects, the mega development projects bordering Chinatown, and institutional expansion in the community.

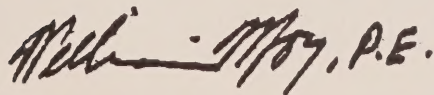
To plan for the future and manage development, the Chinatown community and the city have been working together to prepare the Master Plan and new zoning regulations for the future of Chinatown. This effort has meant many long hours of hard work by the CNC and the BRA staff. The master plan and new zoning are the product of many diverse groups, agencies and institutions which make up the Chinatown community. It is not just the product of a single person or group. It is truly a community plan that we can all feel proud of.

The master plan is the basis for future growth and expansion. It provides the framework for much needed affordable housing, expansion to the Chinatown Gateway area, expansion to Massachusetts Turnpike Air-Rights, and integration of institutional planning within the Chinatown Master Plan.

I would like to thank all the people that have made this plan a reality. A special thank you to Mayor Raymond Flynn and Director Stephen Coyle for their unwavering support of Chinatown, to the CNC Master Plan Ad-Hoc Committee and the Land Use and Development Committee for their input and dedication.

Very truly yours,

Chinatown-South Cove Neighborhood Council

A handwritten signature in black ink, appearing to read "William Moy, P.E.", with a stylized flourish at the end.

William Moy, P.E.
Co-Moderator

Executive Summary

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Summary Of Plan And Zoning (Chinese)

Proposed Chinatown District Zoning Amendments

Acknowledgements

1 *Community Growth and Neighborhood Conservation*

For the Chinatown community, the celebration of a unique cultural heritage and tradition has to be supported with the possibility and the promise of change for a better future. As Chinatown enters the 1990s, the historic neighborhood is faced with a set of new opportunities and resources that are critical to the realization of its future growth and development.

These opportunities and resources have resulted from the community advocacy efforts and the City policies that guided 1980's downtown development boom to create housing and economic benefits for the neighborhoods. The Chinatown community's aspiration for change and action is further urged on by the demise of the Combat Zone along with the planned resurgence of the nearby Midtown Cultural District as a cultural hub and South Station as a transportation and technological center.

To build and improve the future for its rapidly growing community, Chinatown should act on these immediate opportunities. However, potential changes also prompt an uncertainty about the long-term viability of the immigrant neighborhood now faced with the transformation and rising property values of its adjacent districts.

The challenge confronting Chinatown as a community of Asians is not simply to protect the existing residential and business sectors, but also to broaden its housing and economic base. At the same time, the community wants to reinforce its neighborhood as a historic anchor for immigrant families, small businesses, and community services.

The task confronting Chinatown as a center city neighborhood is not simply to renovate and rebuild its physical environment. The challenge is also to enhance a unique cultural heritage that is embodied in its buildings, streets, and the lively pedestrian environment, while still enabling a progressive transformation of the physical appearance of the neighborhood.

In short, the goal of the comprehensive development plan for Chinatown is to generate a social, economic, and physical environment that supports and nurtures community growth without undermining the quality of life or destroying the singular identity and legacies of the neighborhood.

Chinatown seeks to protect the existing land base from downtown encroachment on its northern and western edges, from institutional expansion in its midst, and from transportation construction at its eastern and southern boundaries. In addition, impacts Chinatown looks to garner additional land resources for future community

growth and development. Aside from reclaiming the Gateway subdistrict area that was lost to interstate highway construction, Chinatown seeks to solidify its expansion into the Midtown Cultural District, a process that has been spearheaded by Asian small businesses and entrepreneurs.

The physical planning and development of Chinatown can become a catalyst for creating opportunities affordable housing, good jobs, community services, economic diversification, transportation access, and civic amenities for recreation and cultural and arts programming.

The community-based comprehensive development plan for Chinatown necessarily goes beyond the physical distribution of land uses, the manipulation of urban form, and the management of traffic and transportation infrastructure. The social and economic consequences are the driving force behind the district's grassroots planning. Proactive community participation, public education, capacity building, and community empowerment are the keys to the long-term viability of the Chinatown community, and have become an integral part of the community-based planning process.

The Chinatown Community Plan adopted with the zoning amendments will mark the first time in the history of Chinatown when the community needs and aspirations have guided the City's blueprint for the future growth and development of the neighborhood.

The long-term success of the plan will depend on the support of a host of public, private, and community entities. Public actions and creative intervention have to be enhanced with community initiative and private ingenuity. The continued growth and prosperity of Chinatown as a historic residential neighborhood and a cultural, business, and service center can ultimately enrich Boston as a city of neighborhoods that thrives on its diverse heritage. growth without undermining the quality of life or destroying the singular identity and legacies of the neighborhood.

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2 *Framework of the Plan*

CHINATOWN: A COMMUNITY AT A CROSSROADS

Chinatown is a community at a crossroads. For more than 30 years, the neighborhood has struggled with highway builders, large institutions, and urban planners. Community needs and aspirations were determined more by the City, the regional economy, and the nearby medical institutions than by Chinatown residents. Over the years, the Chinatown neighborhood, which more than tripled in population from 1950 to 1987, lost more than half of its land to new roads and medical institutions.

The quality of life in Chinatown was diminished by the presence of the nearby Combat Zone and the increasing volume of traffic travelling through the neighborhood. Meanwhile, Chinatown was cut off by the Combat Zone from the city's central business district, nearby residential neighborhoods, the Boston Common, and the Public Garden.

The growth in population, the loss of land, and rapidly rising property values have created a crisis in the neighborhood. Chinatown is in need of more affordable housing, better economic opportunities, effective traffic relief, expanded community services, and improved open space and recreational facilities. Not only does Chinatown seek to reinforce its historic role as an immigrant anchor in the city, the community also aspires to grow and to expand in the future.

The Critical Turning Point

A key event for the neighborhood was the creation of the Chinatown-South Cove Neighborhood Council (CNC) in 1985. The CNC was established by the Flynn administration as part of a new focus on the neighborhood issues. Shortly thereafter, the disparate forces of neighborhood growth and institutional development collided over a proposal to build a 600-car garage for institutional use on a Chinatown site.

In March 1987, the CNC voted to oppose the garage plan. The BRA supported the neighborhood's position and concurred on the need for a community-based comprehensive planning process to guide future land use decisions in Chinatown.

Now, community members, with the support of the City, are planning Chinatown's future, building new housing, starting new economic enterprises, expanding service programs, and improving the environment. Working with the open community forum provided by the CNC, Chinatown's leaders and advocates have been coordinating a grassroots planning process which makes the community the central reference point. Credit for turning around the planning policies for

Chinatown goes to the community, its social, cultural, and business leaders, and the CNC.

This critical turning point in the history of Chinatown land use planning and development culminated with the 1988 designation by the BRA of the Quincy School Community Council (QSCC) as the redeveloper of a BRA parcel. The designation, which enables QSCC to expand and upgrade its long-standing efforts to provide affordable child care and other community service and education programs, was challenged in court by the neighboring institutions, but the BRA and the community prevailed. The court confirmed the position that city planning should respond to changing socio-economic conditions in order to address community needs for affordable housing and services.

The Chinatown Community Plan:

"In danger there is opportunity."

A Chinese idiom

The historic Chinatown joint-planning effort begun in 1987 established new policies regarding the neighborhood. The planning process was further strengthened by the City's enactment of the Downtown Interim Planning Overlay District in September of 1987 which required the development of a community-based comprehensive development plan for Chinatown and South Cove before permanent zoning amendments could be adopted for the neighborhood.

The initiative for a new planning effort came at a critical time. Chinatown is again confronted with the challenge of growth in nearby areas while institutional expansion continues in the neighborhood. The state is planning to depress the Central Artery and build a new Seaport Access Road. The revitalization of the Midtown Cultural District is creating a new mixed-use neighborhood. In addition, the development of One Lincoln Street as part of the City's Parcel-to-Parcel Linkage program will contribute to the economic resurgence of South Station, where the development plan for a transportation and technological center is also taking shape.

Affordable housing, jobs, businesses, and other much needed neighborhood resources can be generated for Chinatown by a vibrant economy under the guidance of the City's creative policies that support community growth. However, the many low- and moderate-income families and small businesses that typify the neighborhood are susceptible to displacement and gentrification that can result from an escalating real estate market.

The final outcome of increased property values in Chinatown combined with the mostly upscale transformation of its neighboring districts depend as much on public policies supporting Chinatown as on the choices made by the Chinatown community.

The policies established by the Chinatown Community Plan mark the first time in

Chinatown's history that the neighborhood's needs and aspirations have been systematically addressed through a proactive, community-based planning process. Henceforth, community interests and aspirations are recognized as the central reference point in addressing institutional expansion, downtown encroachment, and public construction that exert an impact on the quality of life of the neighborhood. The Chinatown community, with the support of the Flynn administration, is shaping its own vision and directing its own future.

COMMUNITY-BASED MASTER PLAN PROCESS

The unprecedented joint master plan effort for Chinatown was launched by the Chinatown-South Cove Neighborhood Council (CNC) and the City in July of 1987 with the formation of the CNC Master Plan Committee and the implementation of a four-part Chinatown Survey by the BRA. Throughout the master plan process, which has been conducted in two phases, active community outreach and participation has constituted the core of the grassroots actions coordinated by the BRA and CNC.

The first phase of the master plan process sought to develop a community consensus on goals and objectives. The ad hoc Master Plan Committee formed by the CNC included council members, community leaders, and the BRA director of Chinatown planning. Many of the committee members have long been advocating for a comprehensive development plan for the neighborhood through the Chinatown Housing and Land Development Task Force. Throughout Phase I of the planning process, the ad hoc Master Plan Committee and the Land Use Committee of the neighborhood council were responsible for steering the collaborative planning initiative with the technical assistance and support from an interdisciplinary city planning staff. The Master Plan Committee members were also collectively responsible for writing the draft Chinatown Community Plan at the conclusion of the first phase of the master plan process.

A consultant was provided for by the BRA and retained by the CNC for technical assistance in strategic organizing during the critical initial stage of planning. The master plan effort was further augmented with the expertise and the insight offered by other council members, community leaders, and advocates from the business, service, and housing sectors of Chinatown. In addition to focus group discussions, workshops, small group sessions, and regular progress reports at the open CNC meetings, the CNC and the city also co-sponsored several special community-wide meetings. These outreach efforts have been supplemented with direct mailing, media reports, and special discussions published by Chinese and bi-lingual newspapers.

While community participation was being organized by the Neighborhood Council, the BRA retained a consultant to help conduct a four-part planning survey on housing conditions, business and employer characteristics, land uses, and user characteristics. The findings are utilized to develop an integral and up-to-date planning

database for Chinatown. Six community service agencies also participated in a survey on employment expectations and opportunities for Asian Americans that was sponsored by the neighborhood council with funding from the city's Neighborhood Job Trust. A transportation consultant was retained to work with the community on a preliminary traffic study of local conditions and commercial activities.

The master plan process culminated with the adoption of the Draft Chinatown Community Plan by the Chinatown community in March of 1988. This draft plan established community goals, objectives, and policies for housing, land use, business and economic development, community services, and traffic and transportation. These goals and objectives also guided the development of specific City planning policies for the Chinatown neighborhood as part of the second phase master plan process.

Community participation continued in the form of small group review and working sessions with the city planners through the second phase of the joint master plan process which focused on implementation strategies and programs for the realization of the community's vision as expressed in the Draft Chinatown Community Plan.

These include the Chinatown Housing Improvement Program (CHIP), the Chinatown District Zoning Plan, and the Chinatown Traffic Improvement Plan and Implementation Program developed with the Boston Transportation Department (BTD). A consultant team was retained by the BRA to work with the CNC on a needs assessment and a feasibility study for a community service facility in Chinatown. In addition, consultants for the CNC completed a feasibility study for adaptive housing rehabilitation as well as a strategic plan for entrepreneurial development.

Within the framework established in the draft plan, an Urban Design Studio at MIT conducted a study on land use and development alternatives for the neighborhood council in the Spring of 1988. The study, *Chinatown 2000*, focused on three specific areas: 1) the expansion of affordable housing in Chinatown and adjacent neighborhoods; 2) cultural and commercial inroads at the Hinge Block where Chinatown intersects with the Midtown Cultural District; and 3) mixed-use development to support economic diversification in the Chinatown Gateway area that is to be created with the reconstruction of the Central Artery.

In particular, the study called out the importance of reconnecting the mostly self-enclosed neighborhood with the city at large, physically and functionally, and with its own unique heritage as well.

Both the Draft Chinatown Community Plan and *Chinatown 2000* provided a critical reference point for the concurrent master planning and rezoning efforts for three adjacent areas: the Midtown Cultural District, the South Station Economic Develop-

ment Area, and the Central Artery Corridor.

The Midtown Cultural District Plan and its zoning provisions seek to generate substantial resources to help address community needs in affordable housing, community service, and commercial expansion. The Midtown plan also seeks to better the public realm and traffic conditions which can improve Chinatown's connection with the downtown business center and its access to the Boston Common and the Public Garden.

For the Hinge Block Special Study Area at the intersection of Chinatown and Midtown, a master plan is being developed with the Chinatown and the Midtown communities to explore opportunities in housing, neighborhood businesses, as well as cultural programming that will benefit both neighborhoods.

The ongoing planning of the South Station Economic Development Area as well as the Central Artery Corridor also includes an examination of ways to further the Chinatown community's goals in affordable housing, employment, economic diversification, and open space.

The community-based planning framework also applies to the future development planned by institutions in the neighborhood. The New England Medical Center and the Tufts University Health Sciences Schools in Chinatown are currently developing their respective master plans within the planning context established by the Draft Chinatown Community Plan. Institutional land use and development will support the common goals of enhancing the quality of life for the Chinatown community and the continued growth of the neighborhood.

The community-based planning process will culminate with the adoption of the final Chinatown Community Plan and the Chinatown District zoning amendments by the City. The community-based master plan approach enables the City to address the primary community issues of downtown encroachment, institutional expansion, and public construction which impact the Chinatown neighborhood. The final community plan and its zoning provision will embody the common vision and community spirit that has evolved through this unprecedented grassroots master planning effort in Chinatown.

A VISION OF GROWTH

Chinatown today is bounded by the Surface Artery and Southeast Expressway to the east, Massachusetts Turnpike to the South, Tremont Street to the West, and Essex Street to the north. In addition to being home to over five thousand residents, it also hosts more than forty community organizations and over one hundred and eighty businesses and stores which serve the Asian community in the metropolitan Boston area.

With the continued growth of the Asian community in New England, Chinatown seeks to grow as the residential, cultural, service, and commercial center of that com-

munity.

Its central location, distinctive cultural environs, and the well-established social, economic, and service network makes Chinatown an ideal place of residence, employment, commerce, and service for newly arrived Asian immigrants. The neighborhood's unique ambience together with the ethnic food, goods, and services also continue to attract large numbers of Asian visitors, scholars, students and residents that congregated in this academic and high-tech core of New England.

These Asian visitors and patrons are increasingly joined by a growing number of non-Asian visitors and shoppers which will increase further with the revitalization of the nearby Midtown Cultural District and the South Station Economic Development Area.

Recent demographic studies indicated that Asians in Boston will more than double from fifteen thousand in 1987 to about thirty-three thousand in 2000, accounting for about 5 percent of the city's population. Meanwhile, Asians in the Commonwealth are expected to increase at an annual rate of 4.7 percent between 1980 and 2000, compared to 0.3 percent of the overall growth rate in the state.

Of Equal significance to the growth in Asian population is the increasing heterogeneity of the immigrant community. Recent immigration trends have shown that Chinese immigrants from China, Hong Kong, and Taiwan will be closely matched by Indochinese refugees, including ethnic Chinese, from Cambodia and Vietnam.

Throughout the last decade, these new immigrants were joined by Asians migrating from other states for better economic prospects made possible by a growth economy that offers advanced high-tech positions as well as manual work demanding only limited English proficiency.

Diversity in the Asian community is further enhanced as the continued inflow of new immigrants parallels with the emergence of the second and third generations of Asian Americans.

The traditional functions and roles of Chinatown among the Asian community are bound to continue to evolve in the new decade. While the new demands will be partly met by Asian satellites outside of Chinatown, the neighborhood's easy access, central location and historic presence as an Asian anchor in the city continue to place it at the forefront in addressing the varied demands from its traditional and new constituencies.

However, Chinatown is already the most densely populated neighborhood in the city. The many neighborhood streets in its thriving business center suffer from chronic congestion while pedestrian safety in the heavily concentrated residential area has been threatened. Excess demands for affordable housing and essential com-

munity services have been long standing.

The limited land resources totaling about forty-six acres in the neighborhood have been hard pressed to meet a number of contending demands, including institutional development, housing, business expansion, community facilities, open space, and parking for businesses and institutional users. To accommodate and allow for growth and changes, Chinatown needs to expand not only functionally but also physically.

As envisioned, Chinatown's future growth will branch out in many directions, including the Midtown Cultural District, the Massachusetts Turnpike Air-rights area, and the Chinatown Gateway area that will be restored with the reconstruction of the Central Artery.

The Chinatown community looks toward the Midtown Cultural District primarily for the continued expansion of neighborhood businesses, entrepreneurial development, employment, cultural facilities, and housing. The neighborhood looks towards air rights over the Massachusetts Turnpike and the South End for affordable housing, community facilities, and open space that can be shared with the nearby residential areas in the Bay Village and the South End neighborhood. In particular, Chinatown looks toward reclaiming the Chinatown Gateway site previously lost to the construction of the Southeast Expressway in the 1950s to extend significantly its land base for economic diversification, business expansion, affordable housing, and open space.

This vision of growth guided the development of the Chinatown community plan and zoning provisions for housing, community service, business and economic development, land use, urban design, open space, historic preservation, and traffic and transportation.

The plan seeks to build on the existing land base and its traditional social, economic, and service infrastructure, while assuring opportunities and resources for growth and diversification as the Chinatown community continues to evolve through the 1990s.

POLICY GOALS AND OBJECTIVES

The long-term viability and prosperity of Chinatown as a historic residential neighborhood and a cultural, business, and service center will ultimately enrich Boston as a city of neighborhoods that thrives on its diverse heritage. Guided by this common vision, the policy goals and objectives of the comprehensive development plan for Chinatown are:

- to strengthen the family-oriented nature of the neighborhood through the creation of affordable housing;
- to broaden Chinatown's economic base through the reinforcement of the community service network and the provision of opportunities for the expansion and diversification of business and employment;

-
- to enhance Chinatown's cultural heritage and historic legacies embodied in its unique streetscape and community service infrastructure;
 - to protect Chinatown's historic land base through the redirection of institutional development to the periphery of the district and the prevention of further infringement by highway construction; and
 - to reconnect the neighborhood with the city functionally, visually and physically through land use planning, urban design measures, and traffic mitigation.

The supply of quality housing will be increased with a priority placed on affordable housing, to reinforce the family-oriented nature of the neighborhood. On BRA Parcels A and B, between Oak Street and Marginal Road, 260 units of housing, two thirds of which will be affordable, are undergoing preliminary design. These units, to be produced by two community-based development corporations with financial assistance from the city, will increase affordable family units as well as home ownership opportunities in Chinatown.

Community Service programs essential to the quality of life and continuing development of the community will be expanded and enhanced. A new 90,000 square foot community center is planned for BRA Parcel C, between Oak Street and Nassau Street, enabling several major providers in Chinatown to expand services and upgrade facilities for child care, job training and advocacy, health care, youth programs, and cultural activities.

The rich diversity and vitality of the Chinatown built environment will be enhanced while its image, visibility, and environmental quality is reinforced. This will be achieved through use regulations, urban design guidelines environmental control standards, and development project review that govern use distribution, building setbacks and heights, streetscape enhancement, open space improvement, and environmental mitigation for water table, traffic, construction, and other impacts.

While neighborhood businesses are encouraged to locate in the historic core, large expansions will be directed to the edges of the neighborhood where the transportation infrastructure can support increased traffic. In addition, development of neighborhood enterprises and diversification of business types and employment fields will be facilitated.

Transportation access to and from Chinatown will be maximized, while its pedestrian environment and connection with the surrounding districts will be upgraded. Vehicular circulation and parking for residents, businesses, and community services in the neighborhood will be improved. The Boston Transportation Department and the Chinatown-South Cove Neighborhood Council are developing a transportation plan and improvement program for Chinatown.

To support further the planning goals and objectives for Chinatown, city policies coupled with community advocacy efforts will continue to result in the availability of financial resources, including linkage contributions from downtown projects, and additional housing and economic opportunities in the neighboring Midtown Cultural

District and South Station Economic Development Area.

The purpose of a comprehensive development plan for Chinatown is to generate a social, economic, and physical environment that supports and nurtures community growth without undermining the quality of life or destroying the singular identity and legacies of the neighborhood dating from the late 19th century.

ACHIEVING THE PLAN

The completion of the community-based master plan along with the adoption of the proposed new Chinatown zoning represent only the first step towards ensuring the long-term viability of Chinatown. Implementation of the plan will depend on the continued support of a host of public, private, and community entities. Public actions and creative intervention have to be continued with community initiative and private ingenuity. Continuing efforts in community empowerment, education, capacity building, and proactive participation are essential. With the community eventually owning over half of the land area in Chinatown, the future of Chinatown will be affected not only by public policies and private actions but by the choices made by the Chinatown community.

3 *Summary of Proposed Chinatown District Zoning*

Proposed new zoning for Chinatown sets forth the legal guidelines for building height, density, and land use for future development in Chinatown. As a means to implement the Chinatown Community Plan, new zoning provisions are specifically established for the Chinatown neighborhood.

Business and Economic Development: Neighborhood businesses are encouraged to expand into the old Combat Zone area and the Hinge Block. Large scale commercial and mixed-use development is under consideration for the Gateway site, offering jobs and economic expansion and growth. In addition, the proposed zoning provides a density incentive for the development of community facilities with a long-term use commitment, for neighborhood business opportunities in large commercial development and for expansion opportunities for existing businesses in the commercial core of Chinatown. In addition, child care facilities will be provided in large scale developments.

Land Use and Urban Design: To protect the existing commercial and residential mixed-use environment of Chinatown, a number of uses have been selected for regulation by floors. Chinatown is a neighborhood in which uses vary by floor; a store may be in the basement, a restaurant on the first floor, and residences above. Vertical zoning allows for commercial establishments on the lower levels, while protecting the residences above. Furthermore, certain uses are also regulated by gross floor area to allow for large-scale establishments while maintaining the rich variety resulting from the many modestly-scaled businesses that distinguish the neighborhood.

Uses that are regulated by floor and by size include community retail uses, community uses, cultural uses, educational uses, general retail uses, office uses, service uses, take-out, and trade shops. Restaurant uses are regulated by size area only.

Appropriate design guidelines are also proposed for building set-backs to enhance the continuity of streetscape. To help avoid black walls and reinforce vitality of the pedestrian environment in the Beach Street and Harrison Avenue commercial core of Chinatown, a minimum 60 percent transparency guideline is proposed for the street wall of any ground floor establishment with more than 5000 square feet of gross floor area.

Open Space Districts: To protect and expand public parks, recreation areas, and green spaces in Chinatown, four permanent open space zones are proposed: the Gateway Park and the Gateway Park Expansion Area in the Commercial Chinatown area, the Tai-Tung Park (116 Tyler Street) in the Residential Chinatown area, and

the Pagoda Park in the Chinatown Gateway area.

The Gateway Park will be expanded when the Central Artery ramp is closed. New parks will be added along the edge of the district on Hudson and Kneeland Streets and on the Turnpike air-rights. Creative provisions for open space will be required with each new housing development. Additional open space areas may be designated as a result of the comprehensive planning study for the Special Study Areas.

As-Of-Right Height and Density Regulations: A proposed project within Chinatown, with the exception of the protection areas, special study areas, and planned development areas, is allowed an as-of-right building height of 80 feet (6 stories) and floor area ratio (FAR) of (gross floor area equal to 6 times the building site area).

With design review, building height can increase to 100 feet (8 stories) and building density to FAR 7, except in the Institutional Subdistrict where building height can increase to 125 feet (about 9 stories with the higher floor-to-floor clearances required for medical facilities) and density to FAR 8. These regulations will protect the scale and character of the residential, commercial, and institutional areas in Chinatown, while providing room for further growth and expansion.

Protection Areas: The historic and cultural legacies of Chinatown's buildings and streets will be preserved while allowing for incremental changes through the creation of three Protection Areas. These are the Liberty Tree National Register District, the Beach/Knapp Street National Register District, and the Historic Chinatown area.

The Historic Chinatown area has essentially retained the tight-knit urban scale that reflects the neighborhood's origins in the 19th century. Most of the area has been developed on 20' x 70' lots originally divided for row houses. The streets are mostly between 25' to 40' wide, including sidewalks. More than 90 percent of the existing buildings are 65' high or less, and all are under 80'.

Building heights in Protection Areas will follow the historical precedent of 65 feet (5 stories) while building densities will be limited to FAR 6. With design review, building heights and densities can reach 80' (about 6 stories) and FAR 7. Within these areas building design must be compatible with the historic fabric of the area.

Planned Development Areas: To allow growth that will benefit the Chinatown community, the new zoning designates Planned Development Areas (PDAs) in the Residential Chinatown, Turnpike Air-Rights, and Chinatown Gateway areas. A PDA is an area where a more flexible zoning law is established to encourage desirable, large-scale growth on under-utilized sites. The purposes of establishing PDAs are: to encourage the creation of affordable housing, open space, and cultural

facilities, and historic rehabilitation; to create community facilities and provide community services; to furnish day care facilities; to provide for neighborhood economic development and commercial expansion which is compatible with adjacent uses; and to build new connections between Chinatown and adjacent areas of the city.

Any proposed project within a PDA must adhere to a development plan which is approved only after public hearings by the BRA and the Zoning Commission. Upon development plan approval, a project within a PDA can increase its building height and density to 175' and FAR 6 in Residential Chinatown area (PDA I); 250' and FAR 6 in Turnpike Air-Rights area (PDA II); or 300' and FAR 10 in Chinatown Gateway area (PDA III).

The Turnpike Air-Rights area and the Chinatown Gateway area are also designated as Special Study Areas described below.

Special Study Areas: Comprehensive planning studies will be conducted for three Special Study Areas in Chinatown: the Tyler Street Special Study Area, the Massachusetts Turnpike Special Study Area, and the Chinatown Gateway Special Study Area.

All three areas face major changes as a result of the transportation construction projects which are still evolving including: the reconstruction of the Central Artery effecting Hudson Street and Kneeland Street; the Orange Line Replacement Service impacting the Massachusetts Turnpike Air-Rights area; and the new ramps off Marginal Road and Herald Street proposed by the city to relieve neighborhood streets from regional traffic generated by the reconstructed Central Artery. In addition, all three areas offer the possibility of accommodating redirected and controlled institutional expansion away from the Chinatown core, while contributing to the quality of life for the nearby residential neighborhoods.

Possible additional zoning amendment for the Special Study Areas will be proposed at the end of the studies. The planning goals and objectives for these areas are:

- Tyler Street Special Study Area: to balance and integrate institutional development, housing, community services, and businesses.
- Chinatown Gateway Special Study Area: to balance the different needs for housing resources, economic diversification, entrepreneurial development, open space, and possible institutional growth.
- Turnpike Air-Rights Special Study Area: to extend the existing residential areas and to create community services and open space to benefit the abutting communities, including Chinatown, South End, and Bay Village.

INSTITUTIONAL MASTER PLAN:

The proposed zoning requires institutions in the area to submit master plans for their proposed development projects. The Institutional Master Plan will be approved by the city only if it is consistent with the Chinatown Community Plan.

Neighborhood groups will be provided with 60 days to review master plans prior to any City approvals.

華埠社區簡報

華埠社區整體計劃 華埠土地使用法規

華埠：位於叉路口上的社區

華埠是一個處於十字路口的社區，三十多年來，這個鄰里曾在修築公路、大機構擴張及受城中發展所蠶食而掙扎。由一九五〇年至一九八七年，華埠的人口增加超過三倍。但其土地範圍却因興建新道路及醫療機構而縮少了一半。與此同時，鄰近的風化區也日益損及華埠居民的生活質素。

關鍵轉捩點

一九八六年間，來自鄰里發展及學院機構擴張的兩股不同的力量，因在華埠興建一個為醫院機構使用，有六百個車位的停車場提案而衝激起來。社區反對興建停車場的建議得到市政府的支持，確定土地使用計劃是以社區需要作為準則，而並非因應大機構的需要。市府支持鄰里而拒絕了停車場提案的決定奠定了以社區為基礎的整體規劃方針，以作為華埠未來土地使用的指引。

在華埠土地使用規劃及發展的歷史中，這個關鍵性轉捩點終於在一九八八年把一幅由市政府擁有的土地撥交於昆士學校社區委員會作為指定發展人時達至一個高峰。這個撥交決定遭到鄰近的機構在法庭提出的挑戰，但社區及市政府得到勝訴，法庭肯定市政府及社區的立場，即都市規劃理當應和社會經濟情況的改變，從而解決社區在可負擔房屋及社區服務方面的需要。華埠社區計劃是華埠有史以來首次以社區需求及意願去指引未來影響華埠及鄰近地區的策劃及發展藍圖。

以社區為基礎的規劃過程

為華埠而擬定的整體規劃案，是於一九八七年七月起由華埠南灣社區議會（CNC）及市政府共同推展，時當華埠再度面臨了大機構擴展、城中發展、及興建公路的挑戰。在規劃過程當中，社區議會負責引導及協調社區的參予，並由麻省理工學院市區設計室、專業顧問、及集合各種專能的市府規劃設計職員提供技術協助。未來市政府採用的華埠社區計劃及土地使用法規包涵了華埠草根策劃過程中所引發開來的共同理想及社區精神。

政策架構及華埠社區整體計劃

華埠長期以來的繁榮及活力使這個有歷史性的住宅區及文化、商業和服務中心豐富了波士頓，助其成為一個由多個不同文化傳統鄰區組成的興旺城市。就在這個共同現想的指引下，華埠全面發展計劃的長遠及短期的政策目標是：

- ✱ 透過興建可負擔房屋去強化華埠社區以家庭為中心的特質。
- ✱ 透過增強社區服務系統及提供商業和就業擴充機會，擴展華埠的經濟基礎。
- ✱ 護助華埠文化傳統及加強具有歷史性的街道形貌。
- ✱ 透過限制大機構擴展入華埠核心區及避免日後公路修建的進侵，從而去維護傳統華埠的土地範疇。
- ✱ 透過土地使用規劃、市區設計指引及交通措施，重新在功能、視覺上及地理上把華埠與鄰區連結起來。

高品質房屋的供應將會增加，而可負擔房屋是先決要點，以強化以家庭為基礎的鄰里特質。在屋街及馬津尼道之間的 A 及 B 地段將興建二百六十個住屋單位，而其中三份之二是可負擔的，目前正進行初步設計。

這些住宅單元是由兩個以社區為本位的發展機構負責興建，並獲市府提供財務策劃及資源上的協助。主要目的不僅是增加可負擔的家庭住宅單元，並且也同時增加在華埠自置產業的機會。

社區服務是增進華埠居民生活素質及支持華埠移民成員持續發展所不可或缺的要點，因此在質與量雙方面都必須繼續增進。

屋街及拿素街之間的 C 地段計劃興建一所九萬平方英尺左右的社區服務中心。華埠境內多個主要服務機構在托兒、職訓、醫療、及青年、文化活動等方面能擴大服務並改善、提高設備之品質。

華埠持有的多元特色及豐富活動必須加強維護；另一方面華埠的形象、能見度，及環境品質需要提高。有效的工具包括使用規則、設計指引、環境控制標準以解決使用分配、建築物退縮標準、高度規定、街道風貌之改善、開放空間之改良，以及針對地下水位、交通，及施工問題的環境改善措施。

典型鄰里小型商業應繼續集中在華埠傳統的商業核心地帶，大型的商業擴充則被導引到華埠邊緣地點以便利用既有的交通網路，避免阻塞車行及人行，華埠商業及就業類別的多元文化也將得到支持。

便於往來華埠的交通設施將盡量進增，華埠境內的行人環境及其與鄰近地區的往來銜接應獲得改善。服務華埠居民、商家及服務機構的停車設備及車輛流通也將進一步改良。波市交通處和華埠南灣社區議會已為華埠草擬交通計劃及改善方案。為進一步支持華埠規劃的長程及短期的目標，市政府的政策連同社區積極倡議共同協力爭取必要的財政資源，包括了城中發展案所繳交的連鎖發展金，此外，中城文化區及南站經濟發展區將進一步提供住屋以及經濟資源。

華埠整體發展計劃之目的是塑造出一個社會及經濟環境去支援及培養社區的成長，而避免降低生活質素，或破壞華埠源自十九世紀末的獨特風貌與傳統。

華埠土地使用法規

華埠土地使用法規為在埠內的建築物高度、密度、日後土地發展的使用訂定合法的準則。為實施整體計劃，新的華埠土地使用法規包括：

商業及經濟發展：鼓勵鄰里商業推向日漸萎縮的風化區及位處中城文化區及華埠相交處的鉸鍊區段擴展。而華埠門樓區則可以容納主要新增添的及大型的混合使用，並且可以考慮學院機構之發展，以便提供就業及經濟擴展與成長的機會。

土地使用：為保障華埠現有商業及住宅混合使用環境，某些使用將分層規定。在華埠內，樓宇的使用是逐層不同的，地下層可能是一間商店，一樓是酒樓，而以上便是住宅了。垂直的使用管制，讓樓宇的低層部份作為商業用途；而高層部份仍可以作為住宅用途。

開放空間區：為保持及擴展在華埠內的公園、康樂遊憩場地及綠地，建議設立三個永久的開放空間，包括：門樓公園、寶塔公園及大同公園。當中央幹綫重建後，門樓地區的開放空間可以擴展。沿着乞臣街及尼倫街邊和麻省公路的上空發展區可以設置新的公園綠地。此外，每一房屋建設，必須以有創意的手法提供遊憩開放空間。在為規劃研討特區提出全面計劃後，會有額外的土地指定作為開放空間。

保護區：建立三個歷史保護區，容許漸進式的改變，同時華埠具歷史及文化傳統的建築物及街道也將會得到保護。除了國家登記保護區內的自由樹，必珠街及聶街外，並包括歷史華埠區。根據歷史前例，在此等地區內的樓宇高度只能在六十五呎與八十呎（即五層至七層樓），而樓宇的設計必須與該地區內的傳統格調配合。

法定高度和密度規定：華埠內除歷史保護區及規劃研討特區外，法定建築高度為八十呎（即六層樓），總樓宇面積只能是建築地盤面積的六倍。如果通過設計審核，建築物高度可增至一百呎（即八層樓），樓宇面積可以增加到建築地盤面積的七倍；而機構學院區內建築物高度可以增至一百二十五呎（即十一層樓），總樓宇面積仍限於建築地盤面積的八倍。此等規定會保障在華埠住宅區、商業區及大學院機構區內尺度及使用合宜的增建機會。

規劃開發特區：新的華埠土地使用法規充許在住宅區、麻省收費公路上空發展區及華埠門樓區等地設立規劃發展特區，以便利用較為具有彈性的土地使用法規去設法鼓勵在未充份開發的地區進行適合社區的大型發展。設立規劃開發特區的目的是：鼓勵興建可負擔平價住宅、開放空間、社區服務設施、設置托兒設施、提供與附近鄰里相符合的經濟發展及商業擴展機會，加強華埠與鄰近地區之銜接，並且把大機構的擴展引離華埠核心地帶。



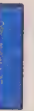







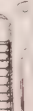
實行策略

規劃研討特區：為華埠內三個規劃研討特區進行全面的規劃研究。由於目前仍在策劃中的交通運輸工程計劃，這三個地區均面臨主要的改變。研討計劃結束後，方擬定永久性的土地使用法規，此等地區的長程及短期目標是：

- ✱ 泰勒街規劃研討特區：讓大機構發展、房屋、社區服務及商業得以平衡及相互融合。
- ✱ 華埠門樓規劃研討特區：平衡房屋資源，經濟多元化，商業發展，開放空間及可能的大機構增長的多種不同需要。
- ✱ 麻省收費公路上空發展規劃研討特區：延伸現有的住宅社區，設置社區服務與開放空間，以加惠華埠、南端及灣邨毗鄰的社區。

完成以社區為基礎的華埠整體計劃及華埠土地使用法規之修正只是護存邁向長久華埠的第一步。計劃的推行仍有賴多方公共、私人及社區團體和機構的繼續支持。公共政策及有創建性的干預仍須得助於社區本身自動自發以及私人公司團體的巧思及創舉。增加社區權利、社區教育及養成，以及積極社區參予等方面的努力仍是關鍵所在。華埠一半以上的土地最終是由社區成員所擁有。故此，華埠未來不僅只是受公共政策及私人行動影響，而是取決於華埠社區本身的取捨。

CHINATOWN PROPOSED ZONING

-  PDA I - RESIDENTIAL 175' / FAR 6
-  PDA II - TURNPIKE AIR-RIGHTS 250' / FAR 6
-  PDA III - CHINATOWN GATEWAY /
-  SOUTH BAY INTERCHANGE 300' / FAR 10
-  SPECIAL STUDY AREAS
 - 1. TYLER STREET 80'-125' / FAR 6-8
 - 2. TURNPIKE AIR-RIGHTS
 - 3. CHINATOWN GATEWAY /
-  SOUTH BAY INTERCHANGE
-  PROTECTION AREAS
 - A. LIBERTY TREE 65'-80' / FAR 6-7
 - B. BEACH KNAPP 65'-80' / FAR 6-7
 - C. HISTORIC CHINATOWN 65'-80' / FAR 6-7
-  INSTITUTIONAL 80'-125' / FAR 6-8
-  RESIDENTIAL 80'-100' / FAR 4-6
-  COMMERCIAL 80'-100' / FAR 7
-  OPEN SPACE



TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting after Article 42, the following article:

ARTICLE 43

CHINATOWN DISTRICT

SECTION 43-1. Statement of Purpose, Goals and Objectives. The purpose of this article is to establish the zoning regulations for the comprehensive plan for the Chinatown District as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this code. The goals and objectives of this article and the Chinatown Community Plan are to upgrade the quality of life and ensure the long-term viability of Chinatown as a historic residential neighborhood and a unique cultural, business, and service center; to create housing which is affordable to all segments of the community; to encourage community businesses and trades; to diversify the economy and improve employment opportunities for neighborhood residents; to protect the historic and cultural resources of the district; to improve the environment through the establishment of open space subdistricts; to manage institutional growth in an open process and to establish boundaries for institutional uses; and to promote the most desirable use of land in accordance with the Chinatown Community Plan; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 43-2. Recognition of the Chinatown Community Plan. In accordance with Section 27D-18 of this code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Chinatown District (Special Study Area No. 7), the commission hereby recognizes the Chinatown Community Plan as the general plan for Chinatown. The Chinatown Community Plan shall also serve as the portion of the general plan for the City of Boston applicable to the Chinatown District. This article is one of the means of implementing the Chinatown Community Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 43-3. Physical Boundaries. The provisions of this article are applicable only in the Chinatown District. The boundaries of the Chinatown District are as shown on a map entitled "Map 1 F Chinatown District (supplemental to 'Map 1 Boston Proper')" of the series of maps entitled "Zoning District-City of Boston", as amended, and are depicted in Appendix A to this article.

SECTION 43-4. Applicability. This article together with the rest of this code constitutes the zoning regulation for the Chinatown District, and applies as specified in Section 4-1 regarding the conformity of buildings and land to this code. Zoning relief in the form of exceptions to these regulations pursuant to Article 6A shall not be available, except to the extent expressly provided in these regulations. Application of the provisions of Article 27D to the Chinatown District is rescinded, and the Chinatown District is deleted from the Downtown Interim Planning Overlay District as of the effective date of this article, except

as provided below. Where conflicts between this article and the rest of this code exist, the provisions of this article shall govern. Except where specifically indicated in this article, the provisions of this article supersede Sections 13-1, 13-2, and 13-4 and Articles 8 and 14 through 24, of this code for the Chinatown District. However, the exceptions to building height limitations provided for in Section 16-2 shall apply to building height limitations established in this article, unless otherwise expressly provided. Further, the provisions of this article are not applicable to the following Proposed Projects, which are governed by the rest of this Code, including Article 27D:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the commission for adoption of this article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 43-5. Establishment of Protection Areas. This section establishes three "protection areas" within the Chinatown District. The three protection areas are established in order to protect the existing scale, the quality of the pedestrian environment, the character of the residential/commercial mixed-use neighborhoods, and concentrations of historic buildings within and abutting the protection areas. The three protection areas are shown on Map 1F of this code and Appendix A

hereto, and are otherwise referred to herein, as "Liberty Tree Protection Area," "Beach/Knapp Protection Area," and "Historic Chinatown Protection Area." Any other provision of this article or this code notwithstanding, Proposed Projects within a protection area are limited to the building height or floor area ratio FAR specified for such protection area as follows:

1. **Liberty Tree Protection Area.** Within that portion of the Chinatown District depicted on Map 1F of this code and Appendix A as the "Liberty Tree Protection Area," a maximum building height of 65 feet and a maximum FAR of 6 are allowed.
2. **Beach/Knapp Protection Area.** Within that portion of the Chinatown District depicted on Map 1F of this code and Appendix A as the "Beach/Knapp Protection Area," a maximum building height of 65 feet and a maximum FAR of 6 are allowed.
3. **Historic Chinatown Protection Area.** Within that portion of the Chinatown District depicted on Map 1F of this code and Appendix A as the "Historic Chinatown Protection Area," a maximum building height of 65 feet and a maximum FAR of 6 are allowed.

The foregoing provisions of this section notwithstanding, a Proposed Project within a protection area shall have an as-of-right building height of eighty (80) feet and as-of-right FAR of seven (7), if such Proposed Project is subject to or shall elect to comply with the provisions of Article 31, Development Review Requirements, and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

SECTION 43-6. Turnpike Air-Rights Special Study Area. This section establishes the "Turnpike Air-Rights Special Study Area" within the Chinatown District. The area is shown on Map 1F of this code and Appendix A hereto. In accordance with the Chinatown Community Plan, a comprehensive plan for the Turnpike Air-Rights Special Study Area shall be developed and shall address, at a minimum, the following: (a) specific measures to expand the existing residential areas, community services, and open spaces that will benefit the abutting communities, including Chinatown, South End, and Bay Village; (b) appropriate urban design guidelines to govern and facilitate the proper development of the Turnpike Air-Rights Special Study Area; (c) appropriate means to encourage the creation of housing, including Affordable housing; (d) measures to assure an appropriate relationship and transition between the scale and density of new residential development and the scale and density of existing residential areas in surrounding neighborhoods; (e) an open space plan for the Turnpike Air-Rights Special Study Area, providing for urban parks and usable recreation areas; (f) appropriate means to encourage a mix of retail uses serving neighborhood employment and consumer needs; (g) the appropriate mix of land uses to accomplish these objectives; and (h) land use regulations necessary to implement the comprehensive plan's proposals. No development plan approval shall be granted pursuant to Section 43-14 for a PDA in the Turnpike Air-Rights Special Study Area, until such comprehensive plan is completed.

SECTION 43-7. Chinatown Gateway Special Study Area. This section establishes the "Chinatown Gateway Special Study Area" within the Chinatown District. The area is shown on Map 1F of this code and Appendix A hereto. In accordance

with the Chinatown Community Plan, a comprehensive plan for the Chinatown Gateway Special Study Area shall be developed and shall address, at a minimum, the following: (a) specific measures to balance the different needs for housing resources, economic diversification, entrepreneurial development, and open space; (b) appropriate urban design guidelines to govern and facilitate the proper development of the Chinatown Gateway Special Study Area, including the creation of an effective transition between residential areas and development at South Station; (c) appropriate means to encourage the creation of housing, including Affordable housing; (d) a plan to encourage the diversification and expansion of the neighborhood economy, employment opportunities, and local business ownership; (e) an open space plan for the Chinatown Gateway Special Study Area, providing for urban parks and usable recreation areas; (f) appropriate means to encourage a mix of retail uses serving neighborhood employment and consumer needs; (g) the appropriate mix of land uses to accomplish these objectives; and (h) land use regulations necessary to implement the comprehensive plan's proposals. No development plan approval shall be granted pursuant to Section 43-14 for a PDA in the Chinatown Gateway Special Study Area, until such comprehensive plan is completed.

SECTION 43-8. Tyler Street Special Study Area. This section establishes the "Tyler Street Special Study Area" within the Chinatown District. The area is shown on Map 1F of this code and Appendix A hereto. Within the Tyler Street Special Study Area, an as-of-right building height of eighty (80) feet and FAR of six (6) are allowed; provided that, any Proposed Project shall be allowed an as-of-right building height of one hundred twenty-five (125) feet and an FAR of eight (8) if such Proposed Project is subject to or elects to comply with the provisions

of Article 31, Development Review Requirements, and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31. In accordance with the Chinatown Community Plan, a comprehensive plan for the Tyler Street Special Study Area shall be developed and shall address, at a minimum, the following: (a) specific measures to balance and integrate institutional development, housing, community services, and businesses; (b) appropriate urban design guidelines to govern and facilitate the proper development of the Tyler Street Special Study Area, including urban parks and usable recreation space; (c) appropriate means to encourage the creation of housing, including Affordable housing; (d) appropriate means to encourage the establishment of community facilities serving neighborhood needs; (e) an open space plan for the Tyler Street Special Study Area, providing for urban parks and usable recreation areas; (f) appropriate means to encourage a mix of retail uses serving neighborhood employment and consumer needs; (g) the appropriate mix of land uses to accomplish these objectives; and (h) land use regulations necessary to implement the comprehensive plan's proposals.

SECTION 43-9. Open Space Subdistricts. The areas within the Chinatown District indicated in Table A are zoned as open space subdistricts and are shown on Map 1F of this code and Appendix A hereto. Zoning regulations applicable to uses in such subdistricts are set forth in Article 33 of this code, as indicated in Table A.

and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

2. As-of-Right Building Height and FAR for the Institutional Subdistrict.

Within that portion of the Chinatown District depicted on Map 1F of this code and Appendix A hereto as the "Institutional Subdistrict", a Proposed Project is allowed an as-of-right building height of eighty (80) feet and an as-of-right FAR of six (6); provided that, any Proposed Project shall have an as-of-right building height of one hundred and twenty-five (125) feet and an as-of-right FAR of eight (8) if such Proposed Project is subject to or shall elect to comply with the provisions of Article 31, Development Review Requirements, and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

SECTION 43-11. Increased FAR for Community Service Organizations. Under the provisions of Article 6A and this section, the Board of Appeal may grant an exception to the maximum as-of-right FAR for a Proposed Project in the Chinatown District in the following manner. The Board of Appeal shall grant such an exception for increased FAR only if it finds that: (a) a portion of the floor area of the Proposed Project shall be limited to Community Uses as further provided in paragraph 1, below; (b) the Proposed Project and its massing are architecturally compatible with the surrounding area, in accordance with the urban design provisions of Section 31-8; (c) such an exception is in harmony with the general purpose and intent of this code; (d) the Proposed Project is consistent with the Chinatown Community Plan and the general plan for the city as a whole; and (e) if such exception relates to a Development Impact Project as defined in

Section 26-2, 26A-2, or 26B-2, the Applicant shall have complied with the Development Impact Project Requirements set forth in Section 26-3 or 26A-3 and in Section 26B-3. The increased FAR available is up to one (1) ratio point. The procedure for granting such exceptions shall be in accordance with the provisions of Section 6A-2, governing the granting of exceptions; provided that a four-fifths majority of the Boston Redevelopment Authority shall have recommended approval of the exception for increased FAR prior to the Board of Appeal's consideration of the application. The setback provisions set forth in Section 43-20 apply to Proposed Projects for increased FAR.

1. **Uses Qualifying a Proposed Project for Increased FAR.** The Board of Appeal may grant an exception for increased FAR corresponding to additional gross floor area of up to the amount of floor area to be reserved permanently for Community Uses, as described in Appendix C to this article. The Board of Appeal may require the Applicant to provide evidence of a long-term commitment by the Applicant itself or a third party either: (a) to use the floor area for such Community Uses; or (b) to lease or otherwise transfer such floor area for such Community Uses (which may include a lease or transfer to the City of Boston or its designee).
2. **Use of the Floor Area Qualifying Proposed Projects for Increased FAR.** The use of the amount of floor area of a Proposed Project which qualifies the Proposed Project for an exception for increased FAR in accordance with the provisions of this Section 43-11 shall be limited to the Community Uses and any other use of such an amount of floor area is forbidden. The non-use of floor area which qualifies a Proposed Project for increased FAR shall not affect the validity of such exception.

SECTION 43-12. Establishment of Areas Within Which Planned Development Areas May Be Permitted.

This section establishes three areas within which Planned Development Areas ("PDAs"), as described in Section 3-1A.a, may be permitted within the Chinatown District. The purposes for establishment of the areas within which PDAs may be permitted are: to establish a more flexible zoning law and encourage large-scale private development on underutilized sites in the Chinatown District while insuring quality design by providing planning and design controls; to build affordable housing; to encourage the creation of affordable housing and open space; to create community facilities; to provide for neighborhood economic development and commercial expansion which is compatible with adjacent uses; to provide connections from Chinatown to adjacent areas of the city; and to direct institutional expansion outside the core of Chinatown. The three areas within which PDAs may be permitted are shown on Map 1F of this code and Appendix A hereto, and are otherwise referred to herein, as the "Residential Chinatown PDA Area", and "Turnpike Air-Rights Special Study Area", and the "Chinatown Gateway Special Study Area". No PDA is permitted within the Chinatown District except within these areas.

1. **Development Plan Approval Process.** To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. Upon approval of the Development Plan by the Boston Redevelopment Authority after a public hearing, the Boston Redevelopment Authority shall transmit the Applicant's Development Plan to the Zoning Commission for its consideration. The Zoning Commission shall not approve the Development Plan until after it holds a public hearing on the same. Any application for

Development Plan approval for a Proposed Project within the Chinatown District is subject to the provisions of this section and Sections 43-13 through 43-17, in addition to the provisions of Article 3-1A.

2. **Applicability of Future Amendments.** The issuance of a permit for the development or construction of any portion of a Proposed Project described in the approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule approved by the Boston Redevelopment Authority in conjunction with the Development Plan.
3. **Amendment of Development Plan.** No Proposed Project in a PDA shall proceed, no change in use category of any public benefit qualifying a Proposed Project for Development Plan approval shall proceed, and no exterior alteration or change in use category of a rehabilitated Landmark, Historic Building, or Theater qualifying a Proposed Project for Development Plan approval shall proceed, unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same

procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and this Section 43-12.

SECTION 43-13. Planned Development Areas: Use and Dimensional Regulations.

The land use and dimensional regulations for PDAs are established by this section.

1. **Use Regulations.** Proposed Projects within PDAs are subject to the use regulations set forth in Section 43-19.
2. **Building Height and FAR Regulations.** Proposed Projects within a PDA shall be in Substantial Accord with the building height and FAR standards set forth in Table B of this article, subject to the provisions of Section 43-11.

TABLE B

**CHINATOWN DISTRICT
PLANNED DEVELOPMENT AREAS
DIMENSIONAL REGULATIONS**

	<u>Maximum Building Height/FAR Standards</u>
Chinatown Gateway PDA Area	300'/10
Residential Chinatown PDA Area	175'/6
Turnpike Air-Rights PDA Area	250'/6

SECTION 43-14. Planned Development Areas: Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing, provided, however, that no Development Plan shall be approved by the Boston Redevelopment Authority unless the Boston Redevelopment Authority finds that: (a) such Development Plan is in substantial accord with the provisions of this section and Sections 43-16 and 43-17; (b) such Development Plan conforms to

the Chinatown Community Plan and the general plan for the city as a whole; (c) each Proposed Project described in the Development Plan is in Substantial Accord with the building height and FAR standards set forth in Table B of this article; and (d) on balance, nothing in such Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing the benefits and burdens including, without limitation, those factors identified in Sections 43-16 and 43-17.

SECTION 43-15. Planned Development Areas; Authorization for Exceptions. Any Proposed Project for which the commission approves a Development Plan shall be subject to all provisions of this code applicable to the subdistrict in which the Proposed Project is located, as set forth in Section 43-4, unless an exception to such provisions has been granted pursuant to Article 6A. The Board of Appeal shall permit an exception for building height or FAR exceeding the building heights and FARs set forth in Section 43-10 only if it finds, in addition to all other conditions required under Section 6A-3, that such an exception is in Substantial Accord with the standards governing building height and FAR set forth in Table B of this article. Nothing in this article shall be construed to limit the power of the Board of Appeal to grant exceptions for Proposed Projects within PDAs, except as limited by the maximum building height and FAR standards in Table B. Once exceptions for a Proposed Project located on multiple parcels or lots have been granted by the Board of Appeal, each of the separate parcels or lots, and the improvements thereon, shall be deemed to be in compliance with the provisions of this article and the code whether or not any portion of the Proposed Project on a particular parcel or lot satisfies the provisions of this article and the code; provided that, any subsequent Proposed Project for

additional floor area on any of the parcels or lots shall be subject to the provisions of Section 3-1A.a and Section 43-12.3 governing amendment of a Development Plan.

SECTION 43-16. Planned Development Areas; Public Benefit Criteria. The Boston Redevelopment Authority may approve a Development Plan as meeting the provisions of Section 43-14 if the Development Plan proposes a plan for public benefits, consistent with the Chinatown Community Plan, including one or more of the following: (a) the provision of Affordable housing, in accordance with the provisions of paragraph 1, below, of this section; (b) the creation of neighborhood economic development opportunities, in accordance with the provisions of paragraph 2, below, of this section; (c) the construction of community facilities, in accordance with the provisions of paragraph 3, below, of this section; (d) the development of cultural facilities; or (e) the substantial rehabilitation of eligible theaters, historic buildings, and landmarks. On the basis of provision of these mitigating public benefits under this section, the Boston Redevelopment Authority may approve a Development Plan providing for a building height and FAR deviating from the standards set forth in Section 43-10, provided that such building height and FAR shall not exceed the limits provided for in Section 43-13.

1. **Development Plan Approval for Creation of Affordable Housing.** The Boston Redevelopment Authority may approve a Development Plan proposing to construct or cause the construction of housing if: (a) at least fifty percent (50%) of the gross floor area of the Proposed Project is devoted to Residential Uses; (b) either (i) at least fifty percent (50%) of the dwelling units proposed in the Development Plan on-site are Affordable; or (ii) the

Applicant creates or causes the creation of the same number of Affordable units off-site in the Chinatown District; and (c) a minimum of 0.7 off-street parking space is provided for each dwelling unit or, if a lesser number of spaces is permitted to be provided for such dwelling units pursuant to the term, if any applicable state or federal parking freeze or similar law, the greatest number of spaces permitted for such dwelling units under such parking freeze or similar law.

2. **Development Plan Approval for Creation of Neighborhood Economic Development Opportunities.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project to be constructed on a site owned by a Public Agency if the Development Plan proposes the creation of neighborhood economic development opportunities through the provision of: (a) entrepreneurial assistance measures, such as (i) information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the establishment of general financing options; (b) a set-aside of space for neighborhood businesses or assistance with commercial site improvement; (c) an opportunity for equity participation in business opportunities by Chinatown residents and community development corporations; or (d) franchise training programs or other job-training programs which include employment opportunities upon completion.
3. **Development Plan Approval for Construction of Community Facilities.** The Boston Redevelopment Authority may approve a Development Plan proposing to construct or to cause the construction or expansion of community

facilities if: (a) the community facilities are fully finished and equipped and are of a size and type which are appropriate, under the circumstances pertaining at the time of the application for Development Plan approval, to the needs of the Chinatown community, as identified by the Community Service Needs Assessment and Feasibility Study in the Chinatown Community Plan; and (b) the Applicant provides evidence of a long-term commitment by the Applicant itself or a third party either (i) to use the community facilities in accordance with the Chinatown Community Plan, or (ii) to lease or otherwise transfer such community facilities for such use (which may include a lease or transfer to the City of Boston or its designee). The use of any community facility which is developed for qualification as a public benefit for Development Plan approval under this article shall be limited to the uses specified in the Development Plan. Such uses shall be consistent with the uses specified in the Chinatown Community Plan. To guarantee the continuation of such uses, the Applicant may, but shall not be required to, lease or otherwise transfer any right, title, and interest in the community facility to the City of Boston or its designee. No change in the use of any public benefit providing a basis for Development Plan approval shall proceed unless there has been an amendment to the Development Plan.

4. **Development Plan Approval for Development of Cultural Facility.** The Boston Redevelopment Authority may approve a Development Plan proposing to develop or to cause the development of a new Theater or other cultural facility if: (a) the new Theater or other cultural facility is of a useful condition, size, and type which is appropriate, under the circumstances pertaining at the time of the application for Development Plan approval, to

contribute to the balance of cultural facilities responsive to the needs of the Chinatown District and the City of Boston, as identified in the Chinatown Community Plan, with consideration being given to the theaters and cultural facilities being provided or rehabilitated in the Midtown Cultural District and to the provisions of the Midtown Cultural District Plan; (b) the Development Plan provides sufficient assurance of the successful operation of the Theater or cultural facility, through provision for necessary ancillary or accessory facilities such as administrative offices, rehearsal/studio space, dressing room/green room space, storage space, or other facilities; and (c) the Applicant provides evidence of a long-term commitment by the Applicant itself or a third party either (i) to use the Theater or cultural facility in accordance with the Chinatown Community Plan, or (ii) to lease or otherwise transfer such Theater or cultural facility for such use (which may include a lease or transfer to the City of Boston or its designee).

5. **Development Plan Approval for Substantial Rehabilitation of Existing Theaters, Historic Buildings, and Landmarks.** The Boston Redevelopment Authority may approve a Development Plan proposing substantial rehabilitation of an eligible Theater, Historic Building, or Landmark if: (a) the Development Plan proposes substantial rehabilitation of an eligible Theater, Historic Building, or Landmark, which the Applicant owns or will own at the time set for commencement of construction, in accordance with the provisions of paragraphs (x) and (y) of this section; or (b) the Applicant and the fee simple owner (or agent thereof) (the "Owner") of an eligible Theater, Historic Building, or Landmark enter into an agreement which agreement shall provide that a substantial rehabilitation of such a building

shall be performed in accordance with the provisions of paragraphs (x) and (y) of this section, and the Development Plan reflects the provisions of such agreement and the Applicant's undertaking to be bound by them. Under clause (b) above, an agreement shall be entered into which shall conform to the provisions of Section 38-25. In the case of existing Theaters, Development Plan approval shall also be subject to the provisions of Subsection 38-14.1. In the case of Landmarks, the substantial rehabilitation must also be approved by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1975, as amended from time to time. A Theater, Historic Building, or Landmark shall be "eligible" for the purpose of this Subsection 5 if it is listed in Appendix D to this article.

- (x) **Qualification of Substantial Rehabilitation of a Theater.** Substantial rehabilitation of an eligible Theater qualifying as a public benefit for Development Plan approval consists of: (i) major interior or structural changes for the purpose of improving the Theater's design and its viability for Theater use, including an equipment level commensurate with its proposed use, or (ii) historic restoration of the interior of the Theater. Major exterior renovations and improvements, such as a facade restoration, may also be included in the qualification as substantial rehabilitation. Substantial rehabilitation to the interior of a Theater may include, without limitation, such work as expanding stage or wings, reraking the orchestra, increasing rehearsal, dressing room, or lobby space, or historic restoration. It may also include conversion to Theater use of an original Theater currently in other use. Substantial rehabilitation does not mean normal Theater maintenance, painting, or improvements to mechanical systems alone.

(y) **Qualification of Substantial Rehabilitation of Landmark or Historic Building.** Substantial rehabilitation of an eligible Landmark or Historic Building qualifying as a public benefit for Development Plan approval consists of alterations or repairs made to a building or structure, costing in excess of fifty percent (50%) of the physical value of the building or structure, in accordance with the Boston Landmarks Commission's standards and criteria for landmark rehabilitation, if any. The physical value of a structure or structures shall be deemed to be the assessed value of the structure, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the application for Development Plan approval.

6. **Use of Theaters and Cultural Facilities.** The use of any Theater or cultural facility which is developed or substantially rehabilitated for qualification as a public benefit for Development Plan approval under this article shall be limited to the uses specified in the Development Plan. Such uses shall be consistent with the uses specified in the Chinatown Community Plan. To guarantee the continuation of such uses, the Applicant may, but shall not be required to, lease or otherwise transfer any right, title, and interest in the Theater or cultural facility to the City of Boston or its designee.

SECTION 43-17. Planned Development Areas: General Design and Environmental Impact Standards. In addition to the Development Review Requirements set forth in Article 31 of this code, Proposed Projects submitted for approval as part of a Development Plan application under Section 43-9 shall comply with the Chinatown

General Design and Environmental Impact Standards described herein. The purpose of these additional standards is to maintain and improve the quality of life in the Chinatown area, with particular regard to the Landmarks and buildings listed on the Massachusetts Register of Historic Places.

1. **Open Space.** A Proposed Project must provide open space which has landscaping features, a management plan, and a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or garden purposes.
2. **Shadow Criteria.** Each Proposed Project shall be arranged and designed in a way to assure that it does not cast shadows for more than two hours from 10:00 a.m. through 2:30 p.m., on any day from March 21 through September 21, in any calendar year, on Gateway Park, Pagoda Park, or Tai Tung Park.
3. **Wind.** Buildings shall be designed to avoid excessive and uncomfortable downdrafts on pedestrians. Each Proposed Project shall be shaped, or other wind-baffling measures shall be adopted, so that the Proposed Project will not cause ground-level ambient wind speeds to exceed the standards in Table C of this article.

TABLE C
PEDESTRIAN SAFETY/COMFORT WIND STANDARDS

<u>Activity Area</u>	<u>Effective Gust Velocity (egv*)</u>	<u>Permitted Annual Occurrence Frequency</u>
Limit for Safety- All Pedestrian Areas	13.8 m/sec (31 mph)	1.0%
Major Walkways- Especially Principal Egress Path for High-Rise Buildings	13.8 m/sec (31 mph)	1.0%
Other Pedestrian Walkways- Including Street and Arcade Shopping Areas	11.2 m/sec (25 mph)	5%
Open Plazas & Park Areas Walking, Strolling Activities	6.3 m/sec (14.1 mph)	15%
Open Plaza & Park Areas, Open-Air Restaurants	4.0 m/sec (9 mph)	20%

* The effective gust velocity (egv) is defined as $egv = U + 1.5 fvc$, where U is the mean windspeed at a particular location and fvc is the root mean square of the fluctuating velocity component measured at the same location over the same time interval.

4. **Traffic Mitigation Measures.** Each Proposed Project in a PDA with a gross floor area in excess of 50,000 gross square feet shall be subject to a Transportation Access Plan consistent with the Chinatown Transportation Improvement Plan (which Plan is included in the Chinatown Community Plan) and acceptable to the Boston Transportation Department providing for effective transportation access to the Proposed Project and mitigation measures designed to minimize adverse traffic impacts on the Chinatown District and the South Cove, Bay Village and South End neighborhoods. Such Transportation Access Plan shall also provide for effective parking management measures to minimize adverse parking effects within the

Chinatown District and said neighborhoods. The Transportation Access Plan shall demonstrate that the location of the Proposed Project with respect to vehicular access and circulation and proximity to other transportation systems is suitable for increased floor area. By its design and management, the Proposed Project shall emphasize use of mass transit and feasible measures to be undertaken to limit the impact of the Proposed Project on traffic congestion.

5. **Parking Capacity Standards.** Notwithstanding any contrary requirement of Section 43-23, each Proposed Project shall include no more than one parking space per 1,500 square feet of office development. Parking spaces reserved exclusively for retail, residential or other non-office uses within a Proposed Project shall not be considered in such computation.
6. **Landmarks and Historic Buildings.** Each Proposed Project shall be generally designed and arranged in such a way as to limit the reduction of light and air surrounding, and physical isolation of or intrusion on, Landmarks and Historic Buildings, and to minimize the shadow impact on their facades.
7. **Boston Civic Design Commission Review.** Each Proposed Project shall be subject to review by the Boston Civic Design Commission, in accordance with the provisions of Article 28.
8. **Pedestrian Connections.** In the Chinatown Gateway Special Study Area and the Turnpike Air-Rights Special Study Area, each Proposed Project shall establish safe and convenient pedestrian connections with the existing

Chinatown commercial and residential areas through building scale, character, uses, and, where applicable, pedestrian access along Hudson Street, Kneeland Street, and Marginal Street.

SECTION 43-18. Institutional Master Plan. A Proposed Project which includes one or more institutional uses, as identified in Appendix C hereto, shall be granted a building, use, or occupancy permit only if such Proposed Project is consistent with a current Institutional Master Plan approved by the Boston Redevelopment Authority pursuant to this section; provided that if no applicable Institutional Master Plan has been approved, a Proposed Project containing less than five thousand (5,000) gross square feet of floor area devoted to one or more such institutional uses may be conditionally permitted, in accordance with the provisions of Article 6, but if an applicable Institutional Master Plan has been approved, then such a Proposed Project must be in conformity with said Institutional Master Plan. For the purpose hereof, a "current" Institutional Master Plan shall mean an Institutional Master Plan approved, either originally or amended form, by the Boston Redevelopment Authority not more than four (4) years prior to the date on which consistency is determined, in accordance with Subsection 3 of this section. The provisions of this Section 43-18 shall not, in any event, apply to a Proposed Project limited to interior alterations affecting a gross floor area of 10,000 square feet or less and not involving a change of use or increase in FAR.

1. An Institutional Master Plan shall include those elements which the Boston Redevelopment Authority determines are necessary, for city planning purposes, to judge the impact on the surrounding neighborhoods of current and future Proposed Projects of the Applicant. The Boston Redevelopment

Authority shall require an Applicant to include in its Institutional Master Plan all elements reasonably required to assess the cumulative impacts of any such current or future Proposed Project together with other development reasonably anticipated to occur. The Institutional Master Plan shall project its proposed development plan at least five (5) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include all future Proposed Projects within the Plan. In addition, the Plan shall set out and define the longer term goals of the institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the institution with regard to its growth and services. Elements required in an Institutional Master Plan may include, but are not limited to, any and all of the following.

(a) Mission and Objectives

A statement which defines the organizational mission and objectives of the institution, and a description of how all development contemplated or defined by the Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify services to be provided to Boston and its neighborhood residents.

(b) Existing Property and Uses

A survey and definition of existing property ownership, land uses, and building occupancies of the Institution, with such information including, for each property, the following: (i) building site area; (ii) building uses; (iii) building square footage; (iv) building height; (v) building age;

(vi) permanent employment within each building; (vii) parking capacity associated with each building; (viii) building floor area ratio; (ix) any payments in lieu of taxes made in connection with each building; and (x) building linkage payments.

In addition, a survey and definition of all space leased by the Institution shall be provided with the above defined information, as appropriate.

(c) Needs of the Institution

A definition of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) housing; (v) patient care; (vi) parking; or other facilities ancillary or accessory to an institutional use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.

(d) Proposed Future Projects

A description of the Institution's proposed future projects and their relationship to present and future needs. The required descriptions may include:

- i. site locations;
- ii. uses;
- iii. square footages;
- iv. square footages eliminated from existing buildings through demolition of existing facilities;
- v. floor area ratios;
- vi. building heights;

- vii. current zoning of sites;
- viii. any applicable urban renewal plans, land disposition agreements, or the like;
- ix. parking to be provided to support proposed projects;
- x. construction and permanent employment to be generated;
- xi. total project cost estimates;
- xii. estimated development impact payments;
- xiii. timetable for development of proposed projects, with the estimated month and year of construction start and construction completion for each.

(e) Alternative Development Scenarios

An identification and analysis of alternative development scenarios and their impacts, including alternative sites for proposed future projects, and sites not currently owned by the Institution. The Plan should define functions and services which could possibly be decentralized to minimize impacts upon the most intensely utilized areas of the Institution's campus and surrounding geographical area.

(f) Schedule of Proposed Projects

A schedule and estimated timetable for current and future proposed projects, and associated mitigation measures to alleviate project impacts, particularly regarding transportation impacts.

(g) Institutional Transportation and Parking Management and Mitigation Plan

The preparation of an Institutional Transportation and Parking Management and Mitigation Plan, which will include:

- i. An analysis of the cumulative impacts of all projects proposed in the Institutional Master Plan on the transportation network, taking into account the cumulative impacts of other foreseeable projects, and a statement of measures proposed to mitigate, limit, or minimize, to the extent economically feasible, any adverse impact on the transportation network reasonably attributable to the projects proposed in the Institutional Master Plan; and
- ii. An analysis identifying the demand created by projects proposed in the Institutional Master Plan for tenant, commuter, and short- and long-term visitor parking, non-tenant parking, and evening and weekend parking, the impact of such parking needs on the available parking supply in Chinatown and adjacent neighborhoods, and the manner in which the Institution proposes to meet demand reasonably attributable to the projects proposed in the Institutional Master Plan, taking into account the City's policy of encouraging use of transportation modes other than single-occupant private automobiles.

(h) Pedestrian Access

A definition of the pedestrian circulation system to be provided through the campus of the Institution, including access to public facilities, including but not limited to public open spaces. Such pedestrian access system shall include appropriate signage, benches, and other amenities to indicate the public nature of the system.

(i) Housing Analysis

An identification of the impacts of the proposed future projects on city and neighborhood housing, and an analysis of possible mitigative measures to address these impacts upon the neighborhood housing supply.

(j) Environmental Analysis

An identification of the impact of proposed future projects on the

environment, and an analysis of mitigative measures to be undertaken to address such environmental impacts.

(k) Urban Design Analysis

An analysis of the urban design aspects and impacts of proposed future projects. Said analysis shall include a definition of the major design elements of new or renovated buildings and associated landscaping, open space, and pedestrian access improvements, and their compatibility with existing buildings and improvements.

(l) Child Care Analysis

An analysis of child care needs created by proposed future projects, and a description of mitigative steps to be taken to address such newly created needs.

(m) Job Training Analysis

A description of the permanent employment to be created by proposed future projects, an analysis of the job skills necessary for such employment opportunities, and a definition of steps to be taken to work with Boston schools to train Boston students to achieve these skills.

(n) Impacts of Other Projects

An analysis of the impacts of other known, proposed future projects within the neighborhood within which the Institution is located. Such analysis shall include projects identified by the Boston Redevelopment Authority and other projects which the Institution is or reasonably

should be aware of. Such analysis shall include a definition of the cumulative impacts of all known projects proposed for the surrounding neighborhood from all of the aforementioned perspectives of concern.

(o) Community Benefits Plan

An identification of measures to minimize or mitigate detrimental and adverse impacts of proposed future projects on communities and neighborhoods within which proposed future projects are located.

(p) Community Review

A description of the proposed process and timetable for community review of each proposed future project, including a statement of written information to be provided to the neighborhood group as that term is defined in Subsection 2 below and other citizen group, in connection with the review process.

(q) Additional Elements

A description or analysis of additional elements required by the Boston Redevelopment Authority when such elements will be substantially affected by current or future proposed projects.

2. No Institutional Master Plan shall be approved except in conformity with the provisions of this Section 43-18.

- (a) Procedure for Approval. Within ten (10) days after submission of the Applicant's proposed Institutional Master Plan to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall:

(a) transmit copies of the proposed Institutional Master Plan to the Chinatown/South Cove Neighborhood Council, to the Planning and Zoning Advisory Council, and to any other neighborhood-based committee or council designated by the Mayor (collectively, the "Neighborhood Group(s)"; and (b) publish notice of such submission in one or more community newspapers and newspapers of general circulation in Chinatown, such notice to state the name of the Applicant and the street address of the Proposed Project (or other information sufficient to identify its location). If none of the Neighborhood Group(s) is legally in existence, newspaper notice, as provided in clause (b), shall satisfy the foregoing requirements. Each of the Neighborhood Group(s), within sixty (60) days after such transmittal, may file with the Boston Redevelopment Authority a report with recommendations. The Boston Redevelopment Authority shall not hold a hearing nor render a decision on an application for Institutional Master Plan approval until the expiration of such sixty-day period. The Boston Redevelopment Authority shall consider each report received during said sixty-day period in reaching its decision. If no such report is received within said sixty-day period, the Boston Redevelopment Authority may hold a hearing and render its decision without the report. The Boston Redevelopment Authority also shall make copies of the Institutional Master Plan available to the general public at the time of transmittal to the neighborhood group and shall receive and consider the recommendations of any other person or organization received during said sixty-day period.

After the public hearing, the Boston Redevelopment Authority shall approve the Institutional Master Plan, conditionally approve the Institutional Master Plan, or disapprove the Institutional Master Plan. An Institutional Master Plan that has been conditionally approved by the Boston Redevelopment Authority may be resubmitted to the Authority by the Applicant and may be approved by the Authority at its next scheduled meeting, or any scheduled meeting thereafter. An Institutional Master Plan that has been disapproved by the Boston Redevelopment Authority may be modified and resubmitted as an original application by the Applicant.

- (b) Standards for Institutional Master Plan Approval. An Institutional Master Plan shall be approved by the Boston Redevelopment Authority only if the Boston Redevelopment Authority finds that: (i) the Institutional Master Plan conforms to the provisions of this article; (ii) the Institutional Master Plan conforms to the Chinatown Community Plan, and the general plan for the city as a whole; (iii) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

- 3. The Department of Inspectional Services shall not issue a building, demolition, or use permit for any Proposed Project subject to the provisions of this Section 43-18 unless (a) the Director of the Boston Redevelopment Authority certifies that the Proposed Project is consistent with an Institutional Master Plan approved, either originally or in amended form, by

the Boston Redevelopment Authority pursuant to this article not more than four (4) years prior to the date of such certification or (b) such Proposed Project has obtained a conditional use permit pursuant to the first paragraph of this Section 43-18. Prior to making such a determination of consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit such information and materials as are necessary to establish the status of implementation of the Institutional Master Plan and to update the information and projections contained in the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

4. Any Proposed Project required to be consistent with an approved Institutional Master Plan, and which is not consistent, shall require amendment of the Institutional Master Plan. Any amendment to an Institutional Master Plan shall require the approval of the Boston Redevelopment Authority. The procedures and standards for such approval shall be the same as those for an original approval, as set forth in Subsection 2 above.

SECTION 43-19. Chinatown District Use Regulations. In the Chinatown District the use of land and structures is hereby regulated as provided in this section. The provisions of Article 8 apply only as specified in this section, except that Sections 8-5 and 8-6 apply. No land or structure shall be erected, used, or

arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 43-19.

1. **Neighborhood Business Opportunities.** An Applicant for any Proposed Project with fifty thousand (50,000) or more square feet of floor area available for lease, other than for residential purposes, shall use Best Efforts, as hereinafter defined, to market space within the Proposed Project to Neighborhood Business Establishments from Chinatown, on terms comparable to those for other potential users of such space, as detailed in the remainder of this paragraph, for a period of not less than ten (10) years. Such Best Efforts shall be detailed in a Neighborhood Business Opportunity Plan, prepared in accordance with regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing, and approved by the Boston Redevelopment Authority. The Neighborhood Business Opportunity Plan shall take into account the size of the Proposed Project; the minimum user size (i.e., the number of square feet of each type of space) to which the Applicant contemplates leasing at identified stages of its marketing effort; and the uses permitted by the Applicant's leasing plan for office and retail space.

For the purpose of this Subsection 1, "Best Efforts" means reliance on traditional methods of leasing; and, whenever those traditional methods prove insufficient to afford a meaningful opportunity to Neighborhood Business Establishments to lease space within the Proposed Project, subject to the provisions of this subsection, the Applicant shall take other affirmative measures to afford such an opportunity. The measures to be taken to satisfy the "Best Efforts" standard shall be in conformity with written

regulations, referenced in the immediately preceding paragraph, and consistent with the applicable Neighborhood Business Opportunity Plan as approved by the Boston Redevelopment Authority. A Neighborhood Business Opportunity Plan shall not require that Applicant lease space to Neighborhood Business Establishments under any terms or conditions that are in any respect inconsistent with those terms and conditions generally applicable to other lessees in the Proposed Project.

2. **Inclusion of Day Care Facilities.** The provisions of this Subsection 2 apply only to Proposed Projects to exceed a building height of eighty (80) feet, or an FAR of six (6), or both. Any Proposed Project having a gross floor area, not including the floor area devoted to Residential Uses, which equals or exceeds one hundred thousand (100,000) square feet, shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table E of this Section. For the purposes of this paragraph 2 and Table E only, floor area devoted exclusively to hotel or motel uses shall be multiplied by 0.5 before being used in any calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this paragraph may fulfill its obligations under this paragraph by either (a) creating such facilities on-site; or (b) creating such facilities, or causing such facilities to be created, in the vicinity of the Proposed Project within the Chinatown District; provided that any Proposed Project subject to the provisions of this section shall devote to day care facilities located on-site an amount of floor area equal to at least four thousand (4,000) square feet or the minimum required square footage, whichever is less. The provision of day care facilities in accordance with this paragraph shall be in conformity

with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE D
PROVISION OF DAY CARE FACILITIES

<u>Size of Proposed Project (Gross Square Feet)</u>	<u>Minimum Day Care Facilities (Gross Square Feet)</u>
100,000 up to 200,000	2% of gross floor area
200,000 up to 500,000	4,000
500,000 up to 1,000,000	8,000
More than 1,000,000	12,000

3. **Expansion of Existing Businesses in Historic Chinatown and Commercial Chinatown Edge.** Any Proposed Project for the expansion of an existing use in the Historic Chinatown Subdistrict or the Commercial Chinatown Edge Subdistrict, which use has an existing gross floor area of 4,000 square feet or less and is identified as allowed in Table E may be expanded to more than 4,000 square feet notwithstanding that such use, as thus expanded, is identified as conditional or forbidden in Table E. If such use, as thus expanded, is identified as forbidden in Table E, then after such expansion, such use shall be treated as a non-conforming use, subject to the provisions of Article 9. Further, any such expansion shall be subject to the dimensional requirements of this article and code, including without limitation, Section 13-3.

4. **General Use Restrictions.** Within the Chinatown District, the uses, described in greater detail in Appendix C, are allowed, conditional, or forbidden as set forth in Table E and Table F below. Certain uses are regulated by floor, and are set forth in Table E. Certain uses are not regulated by floor and are set forth in Table F below. Uses identified in Table E and located in the basement of a building are regulated as provided in Table E for first floor uses. Uses identified in Table E and located on the fourth and higher floors are regulated as provided in Table E for third floor uses. No land or structure in the Chinatown District shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed) in Table E or Table F or, subject to the provisions of Article 6, such use is identified as "C" (conditional) in Table E or F. Any use identified as "F" (forbidden) in Table F for the proposed location of such use is forbidden in such location. Any use not included in Table E or F is forbidden for the Chinatown District.
5. **Allowed Accessory Uses.** The following uses are allowed as accessory uses subject to the limitations and restrictions of Article 10: (a) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use, or a group care residence, limited; (b) a swimming pool or tennis court; (c) the storage of flammable liquids and gases incidental to a lawful use; (d) the keeping of animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary institutions; (e) an office, within a main building, of a professional person who resides in such

TABLE E

SUBDISTRICTS Uses Regulated by Floor

Floor:	Historic Chinatown			Cmmercial Chinatown			Residential Chinatown			Institu- tional	Tyler Street Special Study Area	Turnpike Special Study Area	Gateway Special Study Area
	1	2	3+	1	2	3+	1	2	3+	All	All	All	All
Community Retail Small*	A	A	A	A	A	A	A	C	F	A	A	A	A
Large**	C	A	A	C	A	A	C	F	F	A	A	A	A
Community Uses	A	A	A	A	A	A	A	C	C	A	A	A	A
Cultural Use	A	A	A	A	A	A	A	C	C	A	A	A	A
Educational Uses Small***	A	A	A	A	A	A	A	A	C	A	A	A	A
Large +	F	A	A	C	A	A	C	C	F	A	A	A	A
General Retail Small*	A	A	A	A	A	A	A	F	F	A	A	A	A
Large**	F	C	F	C	C	C	F	F	F	A	A	A	A
Office Small*	C	A	A	A	A	A	A	A	C	A	A	A	A
Large**	F	C	C	C	C	C	F	F	F	A	C	C	C
Service Small*	A	A	A	A	A	A	A	A	C	A	A	A	A
Large**	C	A	A	C	A	A	C	C	F	A	A	A	A

	<u>Historic Chinatown</u>			<u>Commercial Chinatown</u>			<u>Residential Chinatown</u>			<u>Institutional</u>	<u>Tyler Street Special Study Area</u>	<u>Turnpike Special Study Area</u>	<u>Gateway Special Study Area</u>
	1	2	3+	1	2	3+	1	2	3+	All	All	All	All
Take-Out Small*	C	C	F	C	C	F	C	F	F	C	C	C	C
Large**	F	C	F	C	C	C	F	F	F	C	C	C	C
Trade Shop Small*	A	A	A	A	A	A	A	C	F	A	A	A	A
Large**	C	C	F	C	C	C	F	F	F	C	C	C	C

"A" Allowed; "C" Conditional; and "F" Forbidden.

- * Total gross floor area not more than 4,000 square feet per use.
- ** Total gross floor area exceeding 4,000 square feet per use.
- *** Schools with no more than 40 students.

+ Schools with more than 40 students.

TABLE F

SUBDISTRICTS
Uses Not Regulated by Floor

	<u>Historic Chinatown</u>	<u>Commercial Chinatown Edge</u>	<u>Residential Chinatown</u>	<u>Institu- tional</u>	<u>Tyler Street Special Study Area</u>	<u>Turnpike Special Study Area</u>	<u>Gateway Special Study Area</u>
Adult Entertainment	F	A++	F	F	F	F	F
Day Care	A	A	A	A	A	A	A
Entertainment Uses	C	A	F	C	C	C	A
Group Care Residential-Limited	A	A	A	A	A	A	A
Group Care Residential-General	C	C	C	C	C	C	C
Hotel, Motel Uses	C	C	F	C	C	C	C
Institutional Uses	F	F	F	A+++	A+++	C+++	C+++
Light Manufacturing	F	C	F	F	F	C	C
Open Space	A	A	A	A	A	A	A
Private Club Uses Only	C	C	C	C	C	C	C
Public Service Uses	C	C	C	C	C	C	C
Religious Uses	A	A	A	A	A	A	A
Residential Uses	A	A	A	A	A	A	A
Residential Conversion	C	C	C	C	C	C	C

	<u>Historic Chinatown</u>	<u>Commercial Chinatown Edge</u>	<u>Residential Chinatown</u>	<u>Institu- tional</u>	<u>Tyler Street Special Study Area</u>	<u>Turnpike Special Study Area</u>	<u>Gateway Special Study Area</u>
Restaurant Small*	A	A	C	A	A	A	A
Large**	C	A	C	A	A	C	A
Special Service Uses	C	C	F	C	C	C	C
Supermarket	C	C	C	C	C	C	C
Theater Conversion	A	C	A	A	A	A	A
Transportation Uses	F	F	F	F	F	F	C
Vehicular Uses	F	F	F	F	F	F	C
Wholesale Uses	C	C	C	C	C	C	A

"A" Allowed; "C" Conditional; and "F" Forbidden.

*

Total gross floor area not more than 4,000 square feet per use.

**

Total gross floor area exceeding 4,000 square feet per use.

++

Adult entertainment uses shall be allowed only within the Adult Entertainment District, established pursuant to Section 3-1A by Map Amendment No. 130.

+++

A Proposed Project which includes one or more institutional uses is subject to the provisions of Section 43-18.

building; (f) an occupation for profit customarily carried on in a dwelling unit by a person residing within; (g) the maintenance and operation of not more than four amusement game machines accessory to eating and drinking establishments; (h) any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use is not a use expressly forbidden in such location and subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory.

6. Conditional Accessory Uses. The following uses are conditional accessory uses, subject to the provisions of Article 6 and Article 10: (a) a garage or parking space for occupants, employees, customers, students, and visitors, if such use is not accessory to a residential use, or a group care residence, limited; (b) a dormitory, provided that such use is accessory to an allowed or conditional institutional use; (c) the keeping of laboratory animals incidental to an allowed or conditional institutional use, provided that all resulting noise, dust, fumes, gases, odors, and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and (d) the manufacture, assembly, or packaging of products sold on the lot.

SECTION 43-20. Specific Design Requirements. All Proposed Projects within the Chinatown District shall comply with the specific design requirements established in this section, subject to the provisions of Article 6A.

1. **Street Wall Continuity.** A Street Wall of any Proposed Project shall be built to be coextensive with the building line, as defined in paragraph 7A of Section 2-1, of the block on which the Street Wall faces. If there is no

determinable building line of said block, then said Street Wall shall be built at a depth from the curb line equal to that of the building line farthest from the curb line of the two blocks adjacent to said block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (a) if the Proposed Project is subject to or elects to comply with the development review provisions of Article 31, an appropriate Street Wall location shall be determined in the development review process or (b) otherwise, the location of the Street Wall shall be as determined in writing by the Director of Urban Design of the Boston Redevelopment Authority or other official designated by the Director of the Boston Redevelopment Authority. The foregoing notwithstanding, within a PDA, a Street Wall of any Proposed Project shall be built at the depth from the curb line provided for in the applicable Development Plan. A Proposed Project shall comply with the requirements of this Subsection 1 with respect to each facade facing a public street, but excluding alleys and private ways.

Except as otherwise provided in this Subsection 1, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. Further, larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects not subject to nor electing to comply with the development review requirements of Article 31, recesses in Street Walls shall be permitted as set forth in Table G and bay windows shall be permitted to extend from the Street Wall Plane above the ground floor ceiling height, provided that such bay windows do not affect more than forty percent (40%) of the Street Wall Plane. For Proposed Projects which

are subject to or elect to comply with the development review requirements of Article 31, recesses and bays may be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the block front is preserved, as determined by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31.

The linear frontage of any single use of the first floor of any building on a street, excluding alleys, shall not exceed forty (40) feet in Historic Chinatown and fifty (50) feet in Commercial Chinatown Edge. For the purposes of the preceding sentence, separate business operations shall be deemed distinct uses notwithstanding that they may be classified under the same use category. The maximum allowed linear frontage on a street of any individual entrance to an off-street parking or loading area of a Proposed Project in the Chinatown District is thirty (30) feet. The maximum allowed linear frontage on a street of any office, hotel, motel, or residential lobby of a Proposed Project in the Chinatown District, excluding areas within which PDAs are allowed and excluding the Institutional Subdistrict, is fifteen (15) feet.

TABLE G
PERMITTED STREET WALL RECESSES*

<u>Location</u>	<u>Maximum Depth from the Street Wall Plane</u>	<u>Maximum Aggregate Surface Area</u>
Below ground floor ceiling height	Two (2) feet	Fifty percent (50%)
	Four (4) feet	Thirty percent (30%)
Above ground floor ceiling height	Ten (10) feet	Fifty percent (50%)
	Fifteen (15) feet	Thirty percent (30%)

* The "ground floor ceiling height" means the height of the underside of the floor structure of the second floor. The "maximum aggregate surface area" means the portion, expressed as a percentage, of the surface area of the specified part of the Street Wall Plane (i.e., above the ground floor ceiling height or below) affected by recesses. The areas within which recesses are permitted are not cumulative; e.g., above the ground floor ceiling height, the maximum aggregate surface area that may be affected by recesses, whether of 10 or 15 feet, is 50%.

2. **Street Wall Height.** The Street Wall Height of Proposed Projects within the Chinatown District shall not exceed the limits set forth in Table H, except that within a PDA the Street Wall Height shall be as set forth in the approved Development Plan. The endwall of a street which is a cul-de-sac does not count as a street wall for the purposes of this Section 43-20.

TABLE H
MAXIMUM STREET WALL HEIGHTS

<u>Location</u>	<u>Maximum Street Wall Height</u>
<u>North of Kneeland Street</u>	
o Facade on north side of Kneeland Street	80'
o Facade on south side of Essex Street	80'
o Facade on east side of Washington Street	80'
o Facade on west side of Central Artery Corridor	80'
o Facade on east or west side of Harrison Street	80'
o Elsewhere north of Kneeland Street	65'
<u>South of Kneeland Street</u>	
o Facade on south side of Kneeland Street	125'
o Elsewhere south of Kneeland Street	125'

3. **Street Wall Transparency Regulations.** The provisions of this Subsection 3 shall apply only to any Proposed Project with a gross floor area of 5,000 square feet or more and only to Street Walls facing onto Beach Street and Harrison Avenue in the Historic Chinatown Subdistrict and the Commercial Chinatown Edge Subdistrict. Not less than sixty percent of the Display Window Area of a Proposed Project, excluding any portion of the Display Window Area occupied by a pedestrian entrance or entrance/exit to an off-street parking or loading area shall be glazed and transparent, provided that if the Proposed Project shall be subject to or elect to comply with the provisions of Article 31, the numerical standard may be waived if the extent and design of glazing and pedestrian entrances is such as will encourage active pedestrian use of the street and promote visual interest in the facade, as determined by the Boston Redevelopment Authority in development review pursuant to said Article 31. Lettering and designs painted on not more than forty percent of the required glazed surface area shall not be

deemed to be inconsistent with the aforesaid glazing and transparency requirement. The foregoing shall not, however, affect or limit the applicability of Article 11, Signs, to such painted lettering or designs.

4. Setback Requirements.

- (a) **Sky Plane Setbacks.** Other than decorative cornices and other surface ornamentation, every portion of a Proposed Project (including, but not limited to, mechanical equipment) above the Street Wall Height of such Proposed Project shall be set back by not less than five (5) feet at the Street Wall Heights set forth in Subsection 2 of this Section 43-20 except that sky plane setbacks in a PDA shall be as set forth in the approved Development Plan. Portions of a Proposed Project more than one hundred fifty-five (155) feet high should be treated in a manner to create a visually distinctive roof or other termination of the facade of the Proposed Project. The Sky Plane Setback provisions established in this paragraph shall not be applicable to the extent that, as a consequence of such provisions, the maximum possible gross floor area for any floor of a Proposed Project would be less than nine thousand (9,000) square feet.
- (b) **Entrance Elements.** In order to permit the creation of a distinctive entrance element, and notwithstanding any contrary provision of paragraph (a) of this subsection 4, a portion of the front facade of a building may be built to the one hundred fifty-five (155) foot level (but, in any event, not more than the applicable maximum permitted

building height) without setbacks provided that such portion has a maximum horizontal dimension of 35 feet.

SECTION 43-21. District Design Guidelines for Beach/Knapp and Liberty Tree Protection Areas. Within the Protection Areas depicted on Map 1F of this code and Appendix A to this article as the Beach/Knapp and Liberty Tree Protection Areas, any Proposed Project for exterior alteration or construction shall be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable historical and architectural character of other buildings in the area within which the Proposed Project is located, and with streets and open spaces to which it is visually related, as identified in the Chinatown Community Plan. To preserve a lot-by-lot appearance, facade ornamentation should be varied, and facades should be divided into modules or bays to reflect the lot width established by historic buildings within each area and to continue the established bay rhythm of each block. Within these areas, any Proposed Project for exterior alteration or construction shall proceed only if the Boston Redevelopment Authority finds that the Proposed Project is consistent with the standards specified in this section.

1. **Procedure for Approval of Proposed Project.** Each application for a permit for a Proposed Project subject to the provisions of this section shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with material, maps, or

plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in this section. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in this section or is not consistent with the standards set forth in this section; provided that if no such findings are transmitted to the Inspectional Services Department within forty-five days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in this section without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this section may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

2. **Special Facade Considerations.** In reaching its decision, the Boston Redevelopment Authority shall consider whether the Proposed Project will have an adverse effect on: (a) the character of the Beach/Knapp Protection Area as an area within which brick facades predominate; (b) the character of the Liberty Tree Protection Area as an area within which ornate facades

and hip, gabled, and mansard roofs are district elements or (c) the lot-by-lot appearance of the district.

SECTION 43-22. Restrictions on Change of Use or Occupancy of Theaters. The Commissioner of the Inspectional Services Department shall not issue a change of use or occupancy permit for any Theater within the Chinatown District, as identified in the Chinatown Community Plan, except in accordance with the provisions of this section.

1. **Demolition of Unsafe Theaters.** The Commissioner of the Inspectional Services Department may issue a demolition permit where the Theater or building is unsafe and demolition is required pursuant to the provisions of the Commonwealth of Massachusetts State Building Code.
2. **Authorized Change of Use or Occupancy of Theaters.** Excepting the provisions of Subsection 1 of this section, the Commissioner of the Inspectional Services Department shall issue a change of use or occupancy permit for any Theater within the Chinatown District under the provisions of Article 6 only if the Board of Appeal finds, after reviewing the recommendations, if any, of appropriate City departments and agencies, and appropriate community and neighborhood organizations in the Midtown and Chinatown areas, and in addition to all other conditions required under Section 6-3, Section 6-3A, and Section 6-4, where applicable, that:
 - (a) change of use or occupancy of the Theater structure will not unduly diminish the historic character of the Washington Street as a cultural, entertainment, and theatrical showcase, taking into consideration:
 - (i) current physical characteristics of the Theater that affect its suitability

for use as a Theater, including but not limited to seating capacity, interior configuration, and location; (ii) history of its use as a Theater; (iii) the likelihood of its future use for Theater production; and (iv) the Applicant's plans for replacement of the Theater structure with performing arts facilities supportive of the objectives and specifications of the Midtown Cultural District Plan. In its approval of a conditional use under this Section 2, the Board of Appeal shall attach as conditions and safeguards, at a minimum, that: (b) the Applicant for any Proposed Project on the lot containing a portion or all of the former site of the Theater either (i) replace that Theater with a fully equipped new Theater or other cultural facility of a condition, size, and type which is appropriate, under the circumstances pertaining at the time of the permit application, to contribute to the balance of cultural facilities responsive to the needs of the Chinatown District and Midtown Cultural District, as identified in the Chinatown Community Plan and Midtown Cultural District Plan; or (ii) substantially rehabilitate or cause the substantial rehabilitation of an existing Theater, in accordance with the provisions of Subsection 3 of this Section 43-22; and (c) the Applicant provide evidence of a long-term commitment by the Applicant itself or a third party either (i) to use the Theater or cultural facility in accordance with the Midtown Cultural District Plan; or (ii) to lease or otherwise transfer such Theater or cultural facility for such use (which may include a lease or transfer to the City of Boston or its designee). In the case of a new Theater, the new Theater must provide for sufficient facilities to support Theater operations, such as administrative offices, rehearsal studio space, dressing room/green room space, and storage space, as identified in the Midtown Cultural District Plan.

In the case of a Theater in a building or an interior designated as a Landmark, such permit must also be authorized by the Boston Landmarks Commission, in accordance with Chapter 772 of the Acts of 1975, as amended from time to time. The Applicant shall also enter into an agreement for substantial rehabilitation of an existing Theater, as detailed in Section 38-25, where applicable.

3. **Qualification of Substantial Rehabilitation of a Theater.** Substantial rehabilitation of an existing Theater qualifying for approval under this Section 43-22 consists of: (a) major interior or structural changes for the purpose of improving the Theater's design and its viability for Theater use, including an equipment level commensurate with its anticipated use, as detailed in the Chinatown Community Plan; or (b) historic restoration of the interior of the Theater. Major exterior renovations and improvements, such as a facade restoration, may also be included in qualifying as substantial rehabilitation. Substantial rehabilitation to the interior of a Theater may include, without limitation, such work as expanding stage or wings, reraking the orchestra, increasing rehearsal, dressing room, or lobby space, or historic restoration. It may also include conversion to Theater use of a original Theater currently in other use. Substantial rehabilitation does not mean normal Theater maintenance, parking, or improvements to mechanical systems alone.

SECTION 43-23. Off-Street Parking. The provisions of Article 23, Off-Street Parking, shall govern any Proposed Project in the Chinatown District, except a Proposed Project in a PDA for which off-street parking shall be provided as

required in the applicable Development Plan. The off-street parking requirements stated as applicable to a specific floor area ratio set forth in Table B of Section 13-1 shall also apply to the same floor area ratio set forth in this article. Where a use provided for in this article is not included in any use item number listed in Article 23, off-street parking facilities shall be provided in accordance with the requirements for the use item number listed in Article 23 which is most similar to such use. The foregoing notwithstanding, in no event shall any Proposed Project be required to provide parking in excess of that permitted under any applicable state or federal parking freeze or similar law.

SECTION 43-24. Adult Entertainment District. Within the Adult Entertainment District, adult entertainment uses, established in Subsection 43-20.7(e), are allowed, and the prohibition of moving or flashing signs in Section 11-2 does not apply.

SECTION 43-25. Off-Street Loading. Article 24 provides the regulations governing the provision and design of off-street loading facilities for the use of any structure or land in the Chinatown District not subject to the provisions of Article 31, Development Review Requirements. Where a use provided for in this article is not included in any use item number listed in Article 24, off-street loading facilities shall be provided in accordance with the requirements for the use item number listed in Article 24 which is most similar to such use. The provision and design of off-street loading facilities for the use of any structure or land which is subject to the provisions of Article 31 shall be determined through the Development Review Requirements process.

SECTION 43-26. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 43-27. Severability. The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

SECTION 43-28. Appendices. The following appendices are attached to and hereby made part of this article:

1. Appendix A - Chinatown District
2. Appendix B - Definitions
3. Appendix C - Use Categories
4. Appendix D - Eligible Theaters, Historic Buildings, and Landmarks

APPENDIX B

Definitions

For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Adjusted Income" is defined as it is in 24 CFR 813.102, as amended, or as set forth in regulations adopted in accordance with Section 43-24.
2. "Affordable" means, in the case of an owner-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty percent (30%) of its Adjusted Income to occupy the unit, and, in the case of a renter-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate--Income Household for rent payments of not more than thirty percent (30%) of its Adjusted Income to occupy the unit.
3. "Annual Income" is defined as it is in 24 CFR 813.106, as amended, or as set forth in regulations adopted in accordance with Section 43-24.
4. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 43-4, or the authorized agent of any such person or entity.
5. "Best Efforts" has the meaning ascribed in Section 43-19.1.
6. "Chinatown" or "Chinatown District" means the area depicted on Appendix A to this article and on a map entitled "Map 1F Chinatown District" of the series of maps entitled "Zoning Districts - City of Boston" as amended.
7. "Chinatown Community Plan" means the plan of the same name, adopted by the Boston Redevelopment Authority on _____, 1990.
8. "Chinatown District Zoning Plan" means the regulations imposed by this article.
9. "Display Window Area" means that portion of the Street Wall between (i) a height of two (2) feet above the ground floor and (ii) the height of the underside of the floor structure of the second floor, or fourteen (14) feet, whichever is less.
10. "Ground Level Uses" has the meaning ascribed in Section 43-19.3.
11. "Historic Building" means a building listed on the Massachusetts Register of Historic Places.
12. "Landmark" means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

13. "Level of Service" means the functional capacity of a traffic intersection as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection.
14. "Low-Income Household" means any household whose Annual Income does not exceed 50% of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.
15. "Median Gross Income" is defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102, as amended, or as set forth in regulations adopted in accordance with Section 43-16.
16. "Moderate-Income Household" means any household whose Annual Income does not exceed 80% of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.
17. "Neighborhood Business Establishments" means a business firm with fixed offices or distribution points located within the boundaries of the Chinatown District and with a business address within such boundaries. A residential address may be used to establish status as a "Neighborhood Business Establishment."
18. "Peak Hours" means the periods from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday.
19. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.
20. "Public Agency" means a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or one or more political subdivisions of the Commonwealth, or of the United States.
21. "State Building Code" means the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws.
22. "Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a Proposed Project that fronts on a public street (excluding public alleys) and is below the Street Wall Height, determined pursuant to Section 43-20.
23. "Street Wall Plane" means the planar surface of the Street Wall (disregarding recesses, bays, windows, doors, etc.) required pursuant to Section 43-20.
24. "Substantial Accord" means, with respect to building height, that the vertical distance from grade to the top of the structure of the last occupied floor shall not exceed the specified height limit for the applicable district or

subdistrict by more than the lesser of (i) ten (10) feet or (ii) two-thirds of the average floor-to-floor height of the building, excluding the ground floor. "Substantial Accord" shall not be interpreted as allowing a Proposed Project to exceed the maximum permitted FAR.

25. "Theater" means a facility equipped for the production and presentation of performing and visual arts events.
26. "Underlying Zoning" means all zoning regulations, with the exception of this article, which are contained in this code
27. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

APPENDIX C

Use Categories

The following uses are regulated pursuant to Section 43-19.

Adult Entertainment Uses. As set forth in Use Item No. 34A and No. 38A of Table A of Section 8-7, adult entertainment uses shall be allowed only within the Adult Entertainment District, established pursuant to Section 3-1A by Map Amendment No. 130.

Community Retail Uses. Store primarily serving the retail business needs of the Chinatown Community, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, prescription drugs, health and beauty products, tobacco products, clothing, drygoods, books, flowers, paint, hardware and minor household appliances.

Community Uses. A facility which provides educational, recreational, advocacy, informational, consulting, or support services on a non-profit basis to the community, in areas such as housing, employment, job training, law, health care, child care, and senior care.

Cultural Uses. Art galleries (both commercial and non-profit); music, dancing, visual arts, performance or theatrical studios.

Day Care Uses. Day care facility.

Educational Uses. Nursery school; kindergarten; or elementary or secondary school; trade, professional, or other school; adult education facility.

Entertainment Uses. Auditorium; theater, including a motion picture theater but not a drive-in theater; concert hall; dance hall; bowling alley; skating rink; pool room; billiard parlor; or any commercial establishment maintaining and operating any amusement game machine, other than as an accessory use.

General Retail Uses. Department store; furniture store; general merchandise mart; or other store serving the general retail business needs of a major part of the city, including accessory storage.

Group Care Residence, General. General group care residence, as defined by Section 2-1(22A).

Group Care Residence, Limited. Limited group care residence, as defined by Section 2-1(22B), provided that a cooperation agreement exists relating to the location and operation of such facilities between the Boston Redevelopment Authority, the City of Boston and the agency of the Commonwealth operating, licensing, or regulating such facilities.

Institutional Uses. College or university granting degrees by authority of the Commonwealth of Massachusetts; hospital or sanatorium not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons;

clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot; scientific research and teaching laboratories.

Light Manufacturing Uses. The design, development, manufacture, compounding, packaging, processing, fabrication, altering, assembly, repairing, servicing, renting, testing, handling, or transfer of products including electronic and communication products, metal and wood products, office equipment or machinery, pharmaceutical products, or textile products, except such light manufacturing uses are conditional in the Chinatown Gateway Special Study Area.

Office Uses. Office of professional persons and clinics, not accessory to a main use; real estate, insurance, or other agency or government office; post office; bank (other than drive-in bank or similar establishment); offices of cultural groups; or display or sales space of a wholesale, jobbing, or distributing house.

Open Space Uses. Open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; or open space in private ownership for active or passive recreational use or for the conservation of natural resources; open space recreational building; or private grounds for games and sports not conducted for profit.

Private Club Uses. Private club operated for members only; quarters of fraternal organizations.

Public Service Uses. Public service pumping station; public service sub-station; automatic telephone exchange; fire station; or police station; provided that the requirements of St. 1956, c.665 s.2, where apt, are met.

Religious Uses. Place of worship; monastery; convent; or parish house.

Residential Conversion. Any dwelling converted for more families, provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.

Residential Uses. Detached dwelling occupied by not more than two families; semi-detached dwelling occupied by not more than two families on each side of a party wall; attached or row house occupied by not more than two families in each structure between fire walls; multi-family dwellings; any dwelling converted for more families, where structures after conversion will conform to the code; lodging or boarding house; apartment hotel; artists' mixed-use; convalescent, nursing or rest home.

Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.

Restaurant Uses. Lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, and the sale over the counter, wholly incidental to such restaurant use, of on-premises prepared food or dishes for on- or off-premises consumption, ready for take out.

Service Uses. Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or drycleaner; tailor shop; hand laundry; drycleaning shop; or similar use.

Special Service Uses. Funeral home; undertaker's establishment; mortuary; animal hospital or clinic; kennel; pound; and poultry shop.

Take-Out Restaurant Uses. Sale over the counter, not wholly incidental to a local retail business or restaurant use, of on-premises prepared food or drink for on- off-premises consumption, if, as so sold, such food or drink is ready for take-out.

Theater Conversion. Change of use or occupancy of a theater.

Trade Uses. A retail use which provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service, such as a caterer's establishment; food processing establishment; printing shop; taxidermist's shop; upholster's shop; carpenter's shop; electrician's shop; crafts' shop; jeweler's shop; novelty products shop; art metal craft shop; art needle work shop; sewing shop; dressmaking shop; fabric or yarn shop; gift shop; clock or watch shop, or repair shop; antique store; appliance repair shop; wallpaper shop; musical instruments repair shop; shoe repair shop; radio and television repair shop; or plumber's shop; or similar use.

Transportation Uses. Bus terminal; bus station; railroad passenger station; motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; or storage yard accessory to railroad operation, except such transportation uses are conditional in the Chinatown Gateway Special Study Area.

Vehicular Uses. Repair garage; gasoline service station; car wash; sale of automobiles and trucks where operation is carried on within a structure; outdoor sale or display for sale of new or used motor vehicles; automobile rental agency; or establishment for sale and installation within a building of batteries, seat covers, tires, and similar automotive parts and accessories, except such vehicular uses are conditional in the Chinatown Gateway Special Study Area.

Wholesale Uses. Wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures, except such uses are allowed in the Chinatown Gateway Special Study Area.

Ancillary Uses. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that, any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

APPENDIX D

Eligible Theaters, Historic Buildings, and Landmarks

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William Moy, Moderator
Sister Ruth Marie O'Donnell, Moderator
Pancho Chang, Treasurer
Neil Chin, Clerk
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Master Plan AD HOC Committee
1987-1988

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Carol Lee
Kenneth Yee
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Lawrence Cheng, Advisor
Tunney Lee, Advisor
Philip Herr, Consultant

Land Use and Development
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